50/pt.600-end/990

code of federal regulations

Wildlife and Fisheries

50

PART 600 TO END

Revised as of October 1, 1990

National Archives and Records Administration
1985

AE 2.106/3:

READEX FICHE best copy available

code of federal regulations

Wildlife and Fisheries

50

PART 600 TO END

Revised as of October 1, 1990

CONTAINING
A CODIFICATION OF DOCUMENTS
OF GENERAL APPLICABILITY
AND FUTURE EFFECT

AS OF OCTOBER 1, 1990

With Ancillaries

Published by
the Office of the Federal Register
National Archives and Records
Administration

as a Special Edition of
the Federal Register

1985

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1990

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

Table of Contents

Page

Explanation v

Title 50:

Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. 3

Finding Aids:

Table of CFR Titles and Chapters 445

Alphabetical List of Agencies Appearing in the CFR 461

Table of OMB Control Numbers 471

List of CFR Sections Affected 473

Cite this Code: **CFR**

To cite the regulations in this volume use title, part and section number. Thus, **50 CFR 600.1** *refers to title 50, part 600, section 1.*

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16	as of January 1
Title 17 through Title 27	as of April 1
Title 28 through Title 41	as of July 1
Title 42 through Title 50	as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

HOW TO USE THE CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, October 1, 1990), consult the "List of CFR Sections Affected (LSA)," which is issued monthly, and the "Cumulative List of Parts Affected," which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cut-off date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

OBSOLETE PROVISIONS

Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 1973, consult either the List of CFR Sections Affected, 1949-1963, or 1964-1972, published in three separate volumes. For the period beginning January 1, 1973, a "List of CFR Sections Affected" is published at the end of each CFR volume.

CFR INDEXES AND TABULAR GUIDES

A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I), and Acts Requiring Publication in the Federal Register (Table III). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of "Title 3—The President" is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the "Contents" entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.

REPUBLICATION OF MATERIAL

There are no restrictions on the republication of material appearing in the Code of Federal Regulations.

INQUIRIES AND SALES

For a summary, legal interpretation, or other explanation of any regulation in this volume, contact the issuing agency. Inquiries concerning editing procedures and reference assistance with respect to the Code of Federal Regulations may be addressed to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408 (telephone 202-523-3517). Sales are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, DC 20402 (telephone 202-783-3238).

MARTHA L. GIRARD,
Director,
Office of the Federal Register.

October 1, 1990.

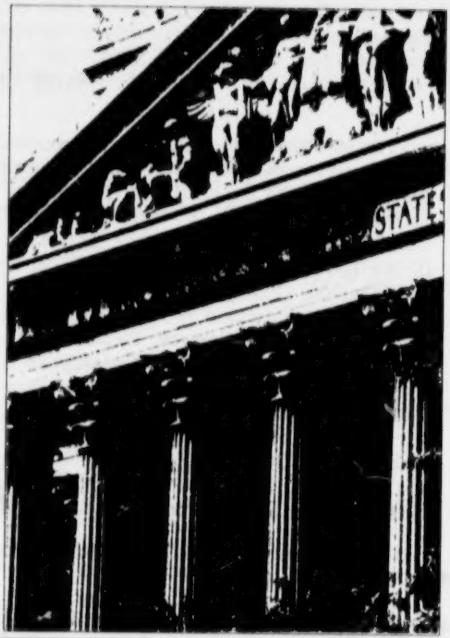
THIS TITLE

Title 50—Fish and Wildlife is composed of three volumes. The parts in these volumes are arranged in the following order: Parts 1-199, Parts 200-599 and Part 600 to End. The first volume (Parts 1 to 199) contains the current regulations issued under Chapter I—United States Fish and Wildlife Service. The second volume (Parts 200 to 599) contains the current regulations issued under Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Chapter III—International Regulatory Agencies (Fishing and Whaling); Chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations; and Chapter V—Marine Mammal Commission. The third volume (Part 600 to End) contains the current regulations issued under Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 1990.

Alphabetical listings of endangered and threatened wildlife and plants appear in Part 17.

The OMB control numbers for the National Oceanic and Atmospheric Administration appear in § 204.1 of Chapter II. For the convenience of the user, § 204.1 is reprinted in the Finding Aids section of this volume.

For this volume, Jacquelyn J. Demsky was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.



Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

**The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year**

Federal Register Index

**The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year.**

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers
FR indexes and the LSA (List of CFR Sections Affected) are mailed automatically to regular FR subscribers.

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
***6483**

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $ ______ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. ______________________________
(Company or personal name)

____
(Additional address/attention line)

____
(Street address)

____
(City, State, ZIP Code)

(______) ______________________________
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

____
(Credit card expiration date)

Thank you for your order!

____
(Signature)

(REV [illegible])

4. Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

Title 50—Wildlife and Fisheries

(This book contains Part 600 to End)

	Part
CHAPTER VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce	600

CROSS REFERENCES: Commercial fishing on Red Lake Indian Reservation, Bureau of Indian Affairs: 25 CFR part 242.

Disposal of certain wild animals in national parks, National Park Service: 36 CFR part 10.

Exchanges of land for migratory bird or other wildlife refuges, Bureau of Land Management: 43 CFR part 2200.0-1—2272.1.

Fishing, hunting, trapping, and protection of wildlife in national forests and wildlife refuges, Forest Service: 36 CFR part 241, §§ 261.8, 261.9.

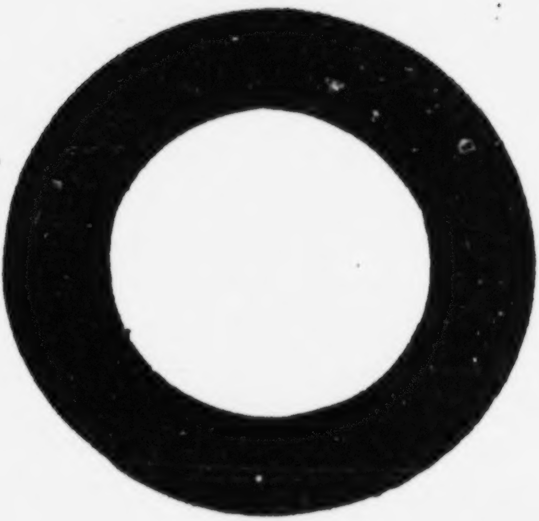
Fishing, hunting, trapping, and protection of wildlife in national parks, memorials, recreation areas, etc., National Park Service: 36 CFR parts 2, 7, 20.

Fishing and hunting in reservoir areas, Corps of Engineers: 36 CFR part 327.8.

Free entry of animals, birds and products of American fisheries under specified conditions, Customs Service: 19 CFR part 10.70—10.83.

Grazing areas for wildlife maintenance, Bureau of Land Management: 43 CFR part 4110.

Making pictures, television production, or sound tracks on areas administered by the United States Fish and Wildlife Service or the National Park Service: 43 CFR part 5.1.



CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

Part		*Page*
600	Style guide	5
601	Regional fishery management councils	7
602	Guidelines for fishery management plans	15
603	Confidentiality of statistics	35
604	Other applicable law	37
605	Guidelines for council operations/administration	40
611	Foreign fishing	55
619	Preemption of state authority under section 306(b)	159
620	General provisions for domestic fisheries	162
621	Civil procedures	166
625	Summer flounder fishery	167
628	Atlantic bluefish fishery	170
630	Atlantic swordfish fishery	174
638	Coral and coral reefs of the Gulf of Mexico and the South Atlantic	178
640	Spiny lobster fishery of the Gulf of Mexico and South Atlantic	186
641	Reef fish fishery of the Gulf of Mexico	191
642	Coastal migratory pelagic resources of the Gulf of Mexico and South Atlantic	207
644	Atlantic billfishes	224
645	Spiny lobster fishery of Puerto Rico and the U.S. Virgin Islands	227
646	Snapper-grouper fishery of the South Atlantic	231
649	American lobster fishery	239
650	Atlantic sea scallop fishery	245
651	Northeast multispecies fishery	251
652	Atlantic surf clam and ocean quahog fisheries	267
653	Red drum fishery of the Gulf of Mexico	278
654	Stone crab fishery	281

Part		*Page*
655	Atlantic mackerel, squid, and butterfish fisheries	290
656	[Reserved]	
657	Atlantic salmon fishery	297
658	Shrimp fishery of the Gulf of Mexico	298
661	Ocean salmon fisheries off the coasts of Washington, Oregon, and California	312
662	Northern anchovy fishery	326
663	Pacific coast groundfish fishery	332
669	Shallow-water reef fish fishery of Puerto Rico and the U.S. Virgin Islands	344
672	Groundfish of the Gulf of Alaska	348
674	High seas salmon fishery off Alaska	375
675	Groundfish of the Bering Sea and Aleutian Islands area	382
680	Western Pacific precious corals	410
681	Western Pacific crustacean fisheries	418
683	Western Pacific bottomfish and seamount groundfish fisheries	427
685	Pelagic fisheries of the Western Pacific Region	438

PART 600—STYLE GUIDE

Sec.
600.1 Definitions.
600.2 Word usage.
600.3 Abbreviations.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 54 FR 1704, Jan. 17, 1989, unless otherwise noted.

§ 600.1 Definitions.

The terms used in these regulations/guidelines (50 CFR parts 600, 601, 604, and 605) have the meanings that are prescribed in section 3 of the Magnuson Act, 16 U.S.C. 1802. In addition, the following definitions apply:

Advisory group—means a Scientific and Statistical Committee (SSC) or Advisory Panel (AP) established by a Council under the Magnuson Act.

Allocation—means direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals.

Assistant Administrator—means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration or a designee.

Center—means one of the National Marine Fisheries Service (NMFS) major research centers that supervise the operations of approximately 25 fishery science laboratories throughout the United States.

CONFIDENTIAL as a national security classification—means information officially classified as *CONFIDENTIAL* because un-authorized disclosure reasonably could be expected to cause damage to the national security.

Confidential statistics—means:

(a) Any information/data/statistics prohibited from disclosure by statute. As used in the Magnuson Act, it describes information/data/statistics submitted as a requirement of a PMP or FMP, the disclosure of which would directly or indirectly identify the submitter or the submitter's business; or

(b) Any information/data/statistics identifiable with any submitter collected under a pledge of confidentiality. Such a pledge is used to obtain voluntary cooperation of submitters and prevent inadvertent disclosure of business confidential, trade secret, or proprietary information.

Council—means one of eight Regional Fishery Management Councils established under the Magnuson Act: New England, Mid-Atlantic, South Atlantic, Caribbean, Gulf of Mexico, Pacific, North Pacific, Western Pacific.

Exclusive economic zone (EEZ)—means the zone established by Presidential Proclamation 5030, 3 CFR part 22 (1983 Comp.), and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery management—means the system used to conserve and allocate the fishery resource—including research and data collection; specification of objections and management measures; establishment, enforcement, and evaluation of regulations.

Fishery management plan (FMP)—means a document that contains a systematic description of a given fishery and the objectives and management measures for the fishery. Required and discretionary contents appear in section 303 of the Magnuson Act. Guidelines for contents of an FMP appear in the NMFS *Operational Guidelines: Fishery Management Plan Process*, Phase II, 1988.

Fishery management unit (FMU)—means a fishery or that portion of a fishery identified in an FMP relevant to the FMP's management objectives. The choice of an FMU depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives.

Grants Officer—means the NOAA official who signs, on behalf of the government, the cooperative agreement providing funds to the Council.

Guidelines—means an indication or outline of future policy or conduct.

Highly migratory species—means the species of tuna which in the course of their life cycle spawn and migrate over great distances of the ocean, including, but not limited to:

Albacore, *Thunnus alalunga*;
Bigeye tuna, *Thunnus obesus*;

Bluefin tuna, *Thunnus thynnus;*

Southern bluefin tuna, *Thunnus maccoyii;*

Yellowfin tuna, *Thunnus albacares;* and

Skipjack tuna, *Euthynnus pelamis.*

Industry—means both recreational and commercial fishing, and includes the harvesting, processing, and marketing sectors.

Information, data, and statistics are used interchangeably. (See definition of "confidential statistics".)

Magnuson Act—means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*)

Management measure(s)—means one or more technique(s) through which the objectives for a given fishery are achieved; a management measure embodied in a regulation has the force of law.

Plan Team—means a Council working group selected from agencies, institutions, and organizations having a role in the research and/or management of fisheries, whose primary purpose is to assist the Council in the preparation and/or review of FMPs, amendments, and supporting documents for the Council, and/or SSC and AP.

Region—mean one of five NMFS Regional Offices responsible for administering the management and development of marine resources in the United States in their respective geographical regions.

Regional Director (RD)—means the director of a NMFS Regional Office or a designee. Regional Directors serve on the various Councils, as specified by § 605.33. RDs may arrange for the administrative services offered by the DOC Regional Administrative Support Centers.

Secretary—means the Secretary of Commerce or a designee.

Stock assessment—means the process of collecting and analyzing biological and statistical information to determine the changes in the abundance of fishery stocks in response to fishing, and, to the extent possible, to predict future trends of stock abundance. Stock assessments are based on resource surveys; knowledge of the habitat requirements, life history, and behavior of the species; the use of environmental indices to determine impacts on stocks; and catch statistics. Stock assessments are used as a basis to "assess and specify the present and probable future condition of a fishery," (as is required by the Magnuson Act), and are summarized in the Stock Assessment and Fishery Evaluation (SAFE) or similar document.

Stock Assessment and Fishery Evaluation (SAFE)—means a document or set of documents that provides Councils with a summary of the most recent biological condition of species in a fishery management unit, and the social and economic condition of the recreational and commercial fishing industries and the fish processing industries. It summarizes, on a periodic basis, the best available scientific information concerning the past, present, and possible future condition of the stocks and fisheries being managed under Federal regulation.

Under Secretary—means the Under Secretary of Commerce for Oceans and Atmosphere, who is Administrator of the National Oceanic and Atmospheric Administration (NOAA), or a designee.

§ 600.2 Word usage.

(a) *Must* is used, instead of "shall", to denote an obligation to act; it is used primarily when referring to requirements of the Magnuson Act, the logical extension thereof, or of other applicable law.

(b) *Shall* is used only when quoting statutory language directly, to avoid confusion with the future tense.

(c) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Magnuson Act, and is a factor reviewers will look for in evaluating a SOPP or FMP.

(d) *May* is used in a permissive sense.

(e) *May not* is proscriptive; it has the same force as *must not.*

(f) *Will* is used descriptively, as distinguished from denoting an obligation to act or the future tense.

(g) *Could* is used when giving examples, in a hypothetical, permissive sense.

(h) *Can* is used to mean "is able to" as distinguished from "may."

§ 600.3 Abbreviations.

(a) *Fishery management terms.*

ABC—acceptable biological catch
DAH—estimated domestic annual harvest
DAP—estimated domestic annual processing.
EEZ—exclusive economic zone
FMP—fishery management plan
FMU—fishery management unit
JVP—joint venture processing
MSY—maximum sustainable yield
OY—optimum yield
PMP—preliminary fishery management plan
TAC—total allowable catch
TALFF—total allowable level of foreign fishing

(b) *Legislation.*

APA—Administrative Procedure Act
CZMA Castal Zone Management Act
ESA—Endangered Species Act
FOIA—Freedom of Information Act
MFCMA—Magnuson Fishery Conservation and Management Act
MMPA—Marine Mammal Protection Act
MPRSA—Marine Protection, Research, and Sanctuaries Act
NEPA—National Environmental Policy Act
PA—Privacy Act
PRA—Paperwork Reduction Act
RFA—Regulatory Flexibility Act

(c) *Federal agencies.*

CEQ—Council on Environmental Quality
DOC—Department of Commerce
DOI—Department of the Interior
DOS—Department of State
EPA—Environmental Protection Agency
FWS—Fish and Wildlife Agency
GSA—General Services Administration
NMFS—National Marine Fisheries Service
NOAA—National Oceanic and Atmospheric Administration
OMB—Office of Management and Budget
SBA—Small Business Administration
USCG—United States Coast Guard

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

Subpart A—General

Sec.

601.1 Purpose and scope.

Subpart B—Boundaries

601.11 Intercouncil boundaries.
601.12 Intercouncil fisheries.

Sec.

Subpart C—Uniform Standards for Organization, Practices, and Procedures

601.21 Purpose.
601.22 Council statement of organization, practices, and procedures.
601.23 Employment practices.
601.24 Budgeting, funding, and accounting.
601.25 Support services.
601.26 Other applicable law.
601.27 Protection of confidentiality of statistics.

Subpart D—Membership

601.31 Purpose.
601.32 Terms of Council members.
601.33 Appointments.
601.34 Oath of office.
601.35 Rules of conduct.
601.36 Removal
601.37 Financial disclosure.
601.38 Security investigations and clearances.
601 39 Council member compensation.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 54 FR 1706, Jan. 17, 1989, unless otherwise noted.

Subpart A—General

§ 601.1 Purpose and scope.

(a) This part governs the jurisdiction, organization, practices, and procedures of the eight Regional Fishery Management Councils (Councils) established by the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act), 16 U.S.C. 1801 *et seq.* The Councils are institutions created by Federal law, whose actions must conform to the uniform standards established by the Secretary of Commerce in this part.

(b) The definitions, word usage, and abbreviations set forth in part 600 apply within this part.

Subpart B—Boundaries

§ 601.11 Intercouncil boundaries.

(a) *New England and Mid-Atlantic Councils.* The boundary begins at the intersection point of Connecticut, Rhode Island, and New York at 41°18′16.249″ N. latitude and 71°54′28.477″ W. longitude and proceeds south 37° 22′32.75″ E. to the point of intersection with the outward boundary of the exclusive economic zone (EEZ) as specified in the Magnuson Act.

(b) *Mid-Atlantic and South Atlantic Councils.* The boundary begins at the seaward boundary between the States of Virginia and North Carolina, and proceeds due east to the point of intersection with the outward boundary of the EEZ as specified in the Magnuson Act.

(c) *South Atlantic and Gulf of Mexico Councils.* The boundary coincides with the line of demarcation between the Atlantic Ocean and the Gulf of Mexico, which begins at the intersection of the outer boundary of the EEZ, as specified in the Magnuson Act, and 83°00′ W. longitude, proceeds northward along that meridian to 24°35′ N. latitude, (near the Dry Tortugas Islands), thence eastward along that parallel, through Rebecca Shoal and the Quicksand Shoal, to the Marquessas Keys, and then through the Florida Keys to the mainland at the eastern end of Florida Bay, the line so running that the narrow waters within the Dry Tortugas Islands, the Marquessas Keys and the Florida Keys, and between the Florida Keys and the mainland, are within the Gulf of Mexico.

§ 601.12 Intercouncil fisheries.

If any fishery extends beyond the geographical area of authority of any one Council, the Secretary may—

(a) Designate a single Council to prepare the FMP for such fishery and any amendments to such FMP, in consultation with the other Councils concerned; or

(b) Require that the FMP and any amendments be prepared jointly by all the Councils concerned.

(1) A jointly prepared FMP or amendment must be adopted by a majority of the voting members, present and voting, of each participating Council. Different conservation and management measures may be developed for specific geographic areas, but the FMP should address the entire geographic range of the stock(s).

(2) In the case of joint FMP or amendment preparation, one Council will be designated as the "administrative lead." The "administrative lead" Council is responsible for the preparation of the FMP or any amendments and other required documents for submission to the Secretary.

(3) None of the Councils involved in joint preparation may withdraw without Secretarial approval. If Councils cannot agree on approach or management measures within a reasonable period of time, the Secretary may designate a single Council to prepare the FMP or may issue the FMP under Secretarial authority.

Subpart C—Uniform Standards for Organization, Practices, and Procedures

§ 601.21 Purpose.

Section 302(f)(6) of the Magnuson Act, 16 U.S.C. 1852(f)(6), requires each Council to determine its own organization, practices, and procedures for carrying out its functions in accordance with such uniform standards as are prescribed by the Secretary. This subpart provides these uniform standards.

§ 601.22 Council statement of organization, practices, and procedures.

(a) Councils are required to publish and make available to the public a Statement of Organization, Practices, and Procedures (SOPP) in accordance with such uniform standards as are prescribed by the Secretary. The purpose of the SOPP is to inform the public how the Council operates within the framework of the Secretary's uniform standards.

(b) Accordingly, within 180 days of the effective date of these regulations, Councils must prepare and submit for Secretarial review and approval amendments to their current SOPPs which are consistent with the guidelines in part 605, statutory requirements of the Magnuson Act, and other applicable law. Upon approval of a Council's SOPP amendment by the Secretary, a Notice of Availability will be published in the FEDERAL REGISTER, including an address where the public may write to request copies.

(c) Councils may deviate, where lawful, from the guidelines with appropriate supporting rationale, and Secretarial approval of each amendment to a SOPP would constitute approval of any such deviations for that particular Council.

§ 601.23 Employment practices.

Council members (except for Federal government officials) and staff are not Federal employees subject to Office of Personnel Management (OPM) regulations. Council staffing practices are set forth in each Council's Statement of Operating Practices and Procedures. (See part 605 for guidelines concerning Council personnel matters and standards.)

§ 601.24 Budgeting, funding, and accounting.

Each Council's administrative operations are governed by the requirements of OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations), and A-122 (Cost Principles for Nonprofit Organizations), and the Council's SOPP.

§ 601.25 Support services.

Section 302(f)(3) of the Magnuson Act directs the Secretary to provide the Councils with administrative and technical support services necessary for their effective functioning.

(a) Section 302(f)(4) of the Magnuson Act directs the Administrator of the General Services Administration to furnish each Council with such offices, equipment, supplies and services as he is authorized to furnish to any agency or instrumentality of the United States.

(b) Section 302(f)(2) of the Magnuson Act authorizes all Federal agencies to detail personnel on a reimbursable basis to the Councils after consulting with the Assistant Administrator.

(c) NOAA regional offices are assigned to arrange for services and support to each Council as follows:

Council	Servicing field unit
New England	Northeast Region, NMFS
Mid-Atlantic	Northeast Region, NMFS
South Atlantic	Southeast Region, NMFS
Caribbean	Southeast Region, NMFS
Gulf of Mexico	Southeast Region, NMFS
Pacific	Northwest Region, NMFS
North Pacific	Alaska Region, NMFS
Western Pacific	Southwest Region, NMFS

(d) Transfer of funds between NMFS and Councils. Once funds are provided to the Councils, they cannot be transferred from a Council to a NMFS Center or Region, or any other Federal agency. Councils can request that NOAA transfer funds identified for Council programmatic activities to NMFS' Centers or Regional Offices.

(1) Councils may not reimburse, or otherwise pay for, NOAA employees' travel, per diem, or other expenses to participate in Council activities unless such reimbursement or payment is approved by the Assistant Administrator, upon a Council's request, on a case-by-case basis.

(2) Regional Offices or Centers may not transfer funds to the Council, or in any way purchase products, services, or supplies directly from the Councils. Any transfer of funds or purchases of any type must be made through NOAA, with the approval of the Assistant Administrator, to secure the services or goods from the Councils.

§ 601.26 Other applicable law.

Under section 303(a)(1)(C) of the Magnuson Act, an FMP must be "consistent with the national standards, the other provisions of this Act, and any other applicable law." Part 604 sets forth the Secretary's determination and announcement to the public of other law that is considered applicable to the fishery management process.

§ 601.27 Protection of confidentiality of statistics.

(a) Each Council must establish appropriate procedures applicable to it, its members, and employees, and to its committees and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council member, employee, or advisory group access and the prevention of conflicts of interest, except that such procedures must be consistent with procedures of the Secretary, and, in the case of statistics submitted to the Council by a State, the confidentiality laws and regulations of that State.

(b) NOAA does not release or allow access to confidential information in its possession to Council members and members of Council advisory groups. Council staff having a need for such information is granted access, provided that the Council has established procedures, as required by the Magnuson Act, to ensure its confidentiality.

Subpart D—Membership

§ 601.31 Purpose.

This subpart sets forth obligations under law and Secretarial policy that affect Council members individually. It provides information for the public regarding the nomination process, qualification for Council membership, compensation, and conduct while in office.

§ 601.32 Terms of Council members.

Voting members (other than principal State officials, the RD, or their designees) are appointed for a term of three years and may be reappointed. An individual appointed to fill a vacancy occurring prior to the expiration of any term of office will be appointed for the remainder of that term. The anniversary date for measuring terms of membership is August 11. The Secretary may designate a term of appointment shorter than the normal three years if necessary to provide for balanced expiration of terms of office.

§ 601.33 Appointments.

The following procedures govern the nomination and appointment of Council members.

(a) Each year, the term of approximately one-third of the appointed members of each Council expire. New members will be appointed or existing members reappointed by the Secretary to vacancies from lists of nominees submitted by March 15 of each year by the Governors of each constituent State. When a vacancy arises prior to the expiration of a member's term, the Secretary will fill the vacancy for the
remainder of the term from nomin
submitted by the appropri
Governor(s).

(b) Governors must submit
names of three nominees for each
plicable vacancy.

(c) The Governors are responsi
for nominating only those pers
who meet the qualification requ
ments of the Magnuson Act; th
must provide appropriate documen
tion to the Secretary that each no
nation was made in consultation w
commercial and recreational fish
interests, and each nominee is kno
edgeable and experienced in one
more of the following ways related
the fishery resources of the geograp
cal area of concern to the Council:

(1) Harvesting, processing, or m
keting of fish or fish products;

(2) Promoting fishing for pleasu
amusement, relaxation or consun
tion. This may include operating a r
reational fishing business;

(3) As former or current officer
leader in a State, regional, or natio
organization made up of represen
tives of any of the interests describ
in § 601.33(b) (1) and (2);

(4) Managing and conserving natu
resources, including at least one ye
interacting with industry, governme
bodies, academic institutions, a
public agencies. This would include
perience serving as a member of
Council, Advisory Panel, or Scienti
and Statistical Committee.

(5) Representing consumers of f
or fish products through participati
in local, State, or national organi
tions, or performing other activit
specifically related to the educati
and/or protection of the consumer
marine resources.

(6) Teaching, journalism, writing,
researching matters related to fish
ies, fishery management and fishe
resource conservation. Such expe
ence includes both natural and soc
sciences.

(7) Consulting or legal experience
areas directly related to fisheries
source management, conservation,
use, including interacting with of
cials of local, State, or Federal age
cies.

(d) To assist in identifying necessa
qualifications, each nominee shou

furnish to the appropriate Governor's office a current resume or equivalent, describing career history—with particular attention to experience related to the above criteria. Nominees may provide such information in any format they wish. Career and educational history information sent to the Governors should also be sent to the Office of Fisheries Conservation and Management.

(e) If the Secretary determines that any nominee is not qualified, the Secretary will notify the appropriate Governor of that determination. The Governor may then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the nominee in question. The Secretary reserves the right to determine whether nominees are qualified.

(f) There are two categories of seats to which voting members are appointed: "obligatory" and "at-large".

(1) Each constituent State has one obligatory seat. When the term of a State's obligatory member is expiring, or that seat becomes vacant before the expiration of its term, the Governor of that State must submit the names of at least three qualified individuals to fill that seat. In order to fill a State's obligatory seat, the Secretary may select from any of the nominees for such obligatory seat and for any at-large seat submitted by the Governor of that State.

(2) When the term of an at-large member is expiring or that seat becomes vacant before the expiration of its term, the Governor of all constituent States must submit the names of at least three qualified individuals to fill that seat. In order to fill an at-large seat, the Secretary may select from the nominees for that seat submitted by the Governors of the constituent States. When the terms of both an obligatory member and an at-large member expires the same year, the Governor of the State holding the expiring obligatory seat may indicate that remaining nominees for an obligatory seat may be considered for an at-large seat.

(g) If a Governor fails to submit a list of qualified nominees within the time allotted, then new at-large members will be appointed from the list of nominees submitted by Governors of other constituent States and the State's obligatory seat will remain vacant until three qualified nominations are received and acted upon by the Secretary.

(h) The Secretary must ensure a fair apportionment, on a rotating or other basis, of the active participants (or their representatives) involved in the fisheries under Council jurisdiction. Further, the Secretary must take action to ensure, to the extent practicable, that those persons dependent for their livelihood upon the fisheries within Council jurisdiction are fairly represented as voting members.

§ 601.34 Oath of office.

As trustees of the Nation's fishery resources, all voting members must take an oath specified by the Secretary as follows:

> I, ______________, as a duly appointed member of a Regional Fishery Management Council established under the Magnuson Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the Council for the greatest overall benefit of the Nation. I recognize my responsibility to serve as a knowledgeable and experienced trustee of the Nation's marine fisheries resources, being careful to balance competing private or regional interests, and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson Fishery Conservation and Management Act and other applicable law, and shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is freely given and without mental reservation or purpose of evasion.

§ 601.35 Rules of conduct.

(a) Council members, as Federal officeholders, and Council employees are subject to most Federal criminal statutes covering bribery, conflict-of-interest, disclosure of confidential information, and lobbying with appropriated funds. In particular, the following provisions apply:

(1) 18 U.S.C. 201—prohibits offer or acceptance of anything of value to influence any official act;

(2) 18 U.S.C. 203, 205—prohibits officials from representing anyone before a Federal court or agency in a matter involving a specific party in which the United States has a direct and substantial interest and in which the official has worked personally and substantially.

(3) 18 U.S.C. 207—prohibits a former official from representing others before a Federal agency concerning a particular matter involving specific parties in which the official participated personally and substantially as a Federal official or which was under the person's official responsibility.

(4) 18 U.S.C. 208—prohibits official acts in a matter in which the official has a personal financial interest. This prohibition does not apply to a financial interest of a Council voting member or Executive Director if the official obtains a waiver under 18 U.S.C. 208(b), or if the financial interest is in a harvesting, processing, or marketing activity that has been disclosed in a report filed under § 601.37.

(5) 18 U.S.C. 209—prohibits an official from receiving compensation for performing Federal duties from a source other than the United States Government. This restriction does not apply to an official who has served for 130 days or less in a 365-day period.

(6) 18 U.S.C. 210, 211—prohibit offer or acceptance of value to procure appointment to public office.

(7) 18 U.S.C. 1905—prohibits disclosure of trade secrets or confidential commercial information except as provided by law.

(8) 18 U.S.C. 1913—prohibits use of appropriated funds to influence a member of Congress to favor or oppose any legislation or appropriation. However, this prohibition does not apply when responding to a request from a member of Congress or a Congressional Committee. Personal communications of a Council member or employee at his own expense that are identified as such are not prohibited.

(b) The Councils are responsible for maintaining high standards of ethical conduct among themselves, their staffs, and their advisory groups. In addition to abiding by the applicable Federal conflict of interest statutes, both members and employees of the Councils must comply with the following standards of conduct:

(1) No employee of a Council may use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the result of an election to or a nomination for any national, State, county, or municipal elective office.

(2) No employee of a Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, State, county, or municipal election, or on account of his or her political affiliation.

(3) No Council member or employee may pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, a contribution of money or anything of value in consideration of either support or the use of influence or the promise of support, or influence in obtaining for any person, any appointive office, place or employment under the Council.

(4) No employee of a Council may have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties. However, an Executive Director may retain a financial interest in harvesting, processing or marketing activities, and participate in matters of general public concern on the Council which might affect that interest, if that interest has been disclosed in a report filed under § 601.37.

(5) No Council member, employee of a Council, or member of a Council advisory group may use or allow the use, for other than official purposes, of information obtained through or in connection with his or her Council employment that has not been made available to the general public.

(6) No Council member or employee of the Council may engage in criminal, infamous, dishonest, notoriously immoral or disgraceful conduct.

(7) No Council member or employee of the Council may use Council property on other than official business.

Such property must be protected and preserved from improper or deleterious operation or use.

(8) No Council member may participate—

(i) Personally and substantially as a member through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in a particular matter primarily of individual concern, such as a contract, in which he or she has a financial interest; or

(ii) In any matter of general public concern which is likely to have a direct and predictable effect on a member's financial interest unless that interest is in harvesting, processing, or marketing activities and has been disclosed in a report filed under § 601.37. For purposes of this subsection, the member's financial interest includes that of the member's spouse, minor child, partner, organization in which the member is serving as officer, director, trustee, partner or employee, or any person or organization with whom the member is negotiating or has any arrangement concerning prospective employment.

§ 601.36 Removal.

The Secretary may remove for cause any Secretarially-appointed member of a Council in accordance with section 302(b)(5) of the Magnuson Act wherein the Council concerned first recommends removal by not less than two-thirds of the voting members. A removal recommendation of a Council must be in writing and accompanied by a statement of the reasons upon which the recommendation is based.

§ 601.37 Financial disclosure.

(a) The Magnuson Act requires the disclosure by Council nominees, voting members appointed to the Council by the Secretary, and Executive Directors of any financial interest of the reporting individual in any harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery under the jurisdiction of the individual's Council or of any such financial interest of the reporting individual's spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on NOAA Form 88-195, "Statement of Financial Interests for Use by Voting Members, Nominees and Executive Directors of Regional Fishery Management Councils," or such other form as the Secretary, or designee, may prescribe. The report must be filed by nominees for Secretarial appointment before the date of appointment as prescribed by the Secretary. Voting members appointed by the Secretary and Executive Directors must file the report with the Executive Director of the appropriate Council prior to taking office. Individuals must update the form at any time a reportable financial interest is acquired or the financial interests are otherwise substantially changed. The information required to be submitted will be kept on file, and made available for public inspection at reasonable hours at the Council offices. A copy of the form may be obtained from the appropriate Regional Office.

(b) The provisions of 18 U.S.C. 208 do not apply to an individual who has filed a financial report under this section regarding an interest that has been reported.

§ 601.38 Security investigations and clearances.

(a) Access to security classified material is governed by security regulations and procedures issued pursuant to E.O. 12356, 3 CFR part 166 (1982 Comp.). No person may have access to classified information unless that person has obtained a security clearance and it has been determined that access is necessary for the performance of that person's official duties. Detailed procedures governing applications for, and the issuance of, security clearances are set forth in Department Administrative Order (DAO) 207-1, and the DOC Personnel Security Manual. The authority having custody of the classified information determines whether the requester has a need to know the information in the performance of the requester's official duties. Access to information classified as *CONFIDENTIAL* or *SECRET*, which is normally sufficient for Council purposes, requires clearance at the noncritical-sensitive level.

(b) All Council members, staff, and members of advisory groups are individually required to protect classified information and may be subject to sanctions if they violate E.O. 12356, 18 U.S.C. 793, 794, or 952, or the National Security Act (50 U.S.C. 401 *et seq.*)

(c) Security clearances are required for Executive Directors, and, prior to appointment, for all Council nominees. Other staff and advisory group members may be required to obtain clearances at the Council's discretion. Those who have not been cleared may not participate in meetings, or portions of meetings, closed for reasons of national security, or have access to any classified information.

(d) Any person required to obtain a clearance must initiate the process by submitting:

(1) An FBI fingerprint card (FD-258), and

(2) A Standard Form 85, "Data for Nonsensitive or Noncritical-Sensitive Position."

Form FD-258 is the standard fingerprint card used by the FBI. Fingerprints are not maintained on file with the FBI but are destroyed once the criminal history check has been completed. Individuals may have their fingerprints taken at their local police department or at the personnel/security office of any Federal agency willing to provide the service. The Standard Form 85 is a multi-use biographical form developed by the Office of Personnel Management. Instructions on how to complete and submit the forms will be provided when the forms are distributed.

(e) The security clearance is valid for five (5) years.

(f) Individuals who are renominated and who have not undergone security processing within the five-year period will be required to submit a new processing package, including finger-prints.

(g) If a security clearance is granted, it will become effective only upon receipt by the DOC Office of Security of any necessary Non-Disclosure Agreement lawfully required by the National Security Council or other lawful Directive in accordance with its terms.

(h) After notification of appointment, new Council members should submit any lawfully required Non-Disclosure Agreement to the Office of Fisheries Conservation and Management through the RDs as quickly as possible.

(i) All other individuals are encouraged to submit any lawfully required Non-Disclosure Agreement simultaneously with the SF-85 and FD-258 to expedite final clearances.

(j) Councils should maintain adequate records to determine when to initiate renewal requests as clearances expire. It will be the responsibility of Council staffs to request (through the Office of Fisheries Conservation and Management), as appropriate:

(1) Initial and renewal security clearances for State designees/alternates, and all members of advisory groups (SSC, AP, team members, etc.); and

(2) Initial and renewal security clearances for Council staff.

(k) Security clearances for U.S. Fish and Wildlife Service, U.S. Coast Guard, U.S. Department of State, and Marine Fisheries Commission nonvoting members are obtained by the respective agencies. However, Council staffs are advised to verify periodically that these members have valid clearances in effect.

§ 601.39 Council member compensation.

(a) The voting members of each Council who are not employed by the Federal Government or any State or local government (that is, anyone who does not receive compensation from any such government for the period when performing duties as a Council member) receives compensation at the daily rate for a GS-18 in the General Schedule when engaged in the actual performance of duties as assigned by the Chairman of the Council. Actual performance of duties, for the purposes of compensation, may include travel time.

(b) Effective September 1, 1991, all Council members whose eligibility for compensation has been established in accordance with NOAA guidelines will be paid on a contract basis without deductions being made for Social Security or Federal and State income taxes.

Until that time, such deductions may be made at the Councils' option. A report of compensation will be furnished each year as required by the Internal Revenue Service. Such compensation may be paid on a full day's basis whether in excess of eight hours a day or less than eight hours a day. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupts the daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is not compensable. State officials may be compensated at the GS-18 level if they can document they are on leave without pay (LWOP). (LWOP does not include annual leave, holidays, or weekends.)

(c) Non-government Council members receive compensation for:

(1) Days spent in actual attendance at a meeting of the Council or jointly with another Council.

(2) Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question.

(3) Meetings of standing committees of the Council if approved in advance by the Chair.

(4) Individual member meeting with scientific and technical advisors when approved in advance by the Chair and a substantial portion of any day is needed.

(5) Conducting or attending hearings when authorized in advance by the Chair.

(6) Other meetings involving Council business when approved in advance by the Chair.

(d) The Council Chair must submit to the Regional Office annually a report of Council member compensation authorized. This report shall identify, for each member, amount paid, dates, and location and purpose of meetings attended.

PART 602—GUIDELINES FOR FISHERY MANAGEMENT PLANS

Subpart A—General

Sec.

602.1 Purpose and scope.
602.2 Style guide.

Subpart B—National Standards

602.10 General.
602.11 National Standard 1—Optimum Yield.
602.12 National Standard 2—Scientific Information.
602.13 National Standard 3—Management Units.
602.14 National Standard 4—Allocations.
602.15 National Standard 5—Efficiency.
602.16 National Standard 6—Variations and Contingencies.
602.17 National Standard 7—Costs and Benefits.
APPENDIX A TO SUBPART B—EXPLANATORY MATERIAL

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 54 FR 30833, July 24, 1989, unless otherwise noted.

Subpart A—General

§ 602.1 Purpose and scope.

The Act requires that any fishery management plan or amendment prepared by either the Regional Fishery Management Councils or the Secretary of Commerce, and any regulations issued to implement a fishery management plan or amendment, shall be consistent with seven national standards, the other provisions of the Act, and any other applicable law. Part 602 implements those portions of the Act that pertain to the development, content, submission, amendment, review, and implementation of fishery management plans, and establishes guidelines to assist in achieving the required consistency.

§ 602.2 Style guide.

(a) *Definitions.* The terms used in these guidelines have the meanings that are prescribed in section 3 of the Act. In addition, the following definitions apply:

The Act—the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), also known as the FCMA, or the Magnuson Act.

Council—Regional Fishery Management Council, as established by the Act.

Secretary—Secretary of Commerce.

(b) *Abbreviations.*

ABC—acceptable biological catch.
DAH—estimated domestic annual harvest.
DAP—estimated domestic annual processing.
EY—equilibrium yield.
EEZ—exclusive economic zone.
FMP—fishery management plan.
JVP—joint venture processing.
MSY—maximum sustainable yield.
OY—optimum yield.
PMP—preliminary fishery management plan.
TAC—total allowable catch.
TALFF—total allowable level of foreign fishing.

(c) *Word usage.* (1) *Must* is used to denote an obligation to act; it is used primarily when referring to requirements of the Act, the logical extension thereof, or of other applicable law.

(2) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Act, and is a factor reviewers will look for in evaluating an FMP.

(3) *May* is used in a permissive sense.

(4) *May not* is proscriptive; it has the same force as *must not.*

(5) *Will* is used descriptively.

(6) *Shall* is not used at all, except when quoting the statutory language of each standard. *Must* is used instead of *shall* to avoid confusion with the future tense.

(7) *Could* is used when giving examples, in a hypothetical, permissive sense.

(8) *Can* is used to mean *is able to,* as distinguished from *may.*

(9) *Examples* are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(10) *Analysis,* as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(11) *Determine* is used when referring to OY.

(12) *Adjust* is used when establishing a deviation from MSY for biological reasons, such as in establishing ABC, TAC, or EY.

(13) *Modify* is used when the deviation from MSY is for the purpose of determining OY, in accord with relevant economic, social, or ecological factors.

(14) *Industry* includes recreational and commercial fishing and the harvesting, processing, and marketing sectors.

Subpart B—National Standards

§ 602.10 General.

(a) *Purpose.* (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Act to inform the Councils of the Secretary's interpretation of the national standards so that they will have an understanding of the basis on which FMPs will be reviewed.

(3) The national standards are statutory principles that must be followed in any FMP. The guidelines summarize Secretarial interpretations that have been and will be, applied under these principles. The guidelines are intended as aids to decisionmaking; FMPs formulated according to the guidelines will have a better chance for expeditious Secretarial review, approval, and implementation. FMPs that are in substantial compliance with the guidelines, the Act, and other applicable law must be approved.

(b) *Fishery management objectives.* (1) Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish, i.e., the management objectives to be attained in regulating the fishery under consideration. In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(2) How objectives are defined is important to the management process. Objectives should address the problems of a particular fishery. The objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. The objectives of each FMP provide the context within which the Secretary will judge the consistency of an FMP's conservation and management measures with the national standards.

§ 602.11 National Standard 1—Optimum Yield.

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(b) *General.* The determination of OY is a decisional mechanism for resolving the Act's multiple purposes and policies, for implementing an FMP's objectives, and for balancing the various interests that comprise the national welfare. OY is based on MSY, or on MSY as it may be adjusted under paragraph (d)(3) of this section. The most important limitation on the specification of OY is that the choice of OY—and the conservation and management measures proposed to achieve it—must prevent overfishing.

(c) *Overfishing.* (1) Overfishing is a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce MSY on a continuing basis. Each FMP must specify, to the maximum extent possible, an objective and measurable definition of overfishing for each stock or stock complex covered by that FMP, and provide an analysis of how the definition was determined and how it relates to reproductive potential.

(2) The definition of overfishing for a stock or stock complex may be developed or expressed in terms of a minimum level of spawning biomass (*threshold*); maximum level or rate of fishing mortality; or formula, model, or other measurable standard designed to ensure the maintenance of the stock's productive capacity. Overfishing must be defined in a way to enable the Council and the Secretary to monitor and evaluate the condition of the stock or stock complex relative to the definition.

(3) Different fishing patterns can produce a variety of effects on local and areawide abundance, availability, size, and age composition of a stock. Some of these fishing patterns have been called *growth*, *localized*, or *pulse* overfishing; however, these patterns are not necessarily overfishing under the national standard 1 definition, which focuses on recruitment and long-term reproductive capacity. (Also see paragraph (c)(6)(v) of this section and appendix A to subpart B of this part.)

(4) Overfishing definitions must be based on the best scientific information available. Councils must build into the definition appropriate consideration of risk, taking into account uncertainties in estimating domestic harvest, stock conditions, or the effects of environmental factors (see § 602.16 of this part). In cases where scientific data are severely limited, the Councils' informed judgment must be used, and effort should be directed to identifying and gathering the needed data (see §§ 602.12 and 605.14 of this part).

(5) Secretarial approval or disapproval of the overfishing definition will be based on consideration of whether the proposal:

(i) Has sufficient scientific merit;

(ii) Is likely to result in effective Council action to prevent the stock from closely approaching or reaching an overfished status;

(iii) Provides a basis for objective measurement of the status of the stock against the definition; and

(iv) Is operationally feasible.

(6) In addition to a specific definition of overfishing for each stock or stock complex, an FMP must contain management measures necessary to prevent overfishing.

(i) If overfishing is defined in terms of a threshold biomass level, the Council must ensure that fishing effort does not cause spawning biomass to fall and remain below that threshold.

(ii) If overfishing is defined in terms of a maximum fishing mortality rate, the Council must ensure that fishing effort on that stock does not cause the maximum rate to be exceeded.

(iii) If data indicate that an overfished condition exists, a program must be established for rebuilding the stock over a period of time specified by the Council and acceptable to the Secretary.

(iv) If data indicate that a stock or stock complex is approaching an overfished condition, the Council should identify actions or combination of actions to be undertaken in response.

(v) Depending on the objectives of a particular FMP and the specific definition of overfishing established for the stock or stock complex under management, a Council may recommend measures to prevent or permit pulse, localized, or growth overfishing. (See appendix A to subpart B of this part for explanatory material.)

(7) Significant adverse alterations in environment/habitat conditions increase the possibility that fishing effort will contribute to a stock collapse. Care should be taken to identify the cause of any downward trends in spawning stock sizes or average annual recruitment. (See appendix A to subpart B of this part for discussion of indicators of existing or impending overfishing.)

(i) Whether these trends are caused by environmental changes or by fishing effort, the only direct control provided by the Act is to reduce fishing mortality.

(ii) Unless the Council asserts, as supported by appropriate evidence, that reduced fishing effort would not alleviate the problem, the FMP must include measures to reduce fishing mortality regardless of the cause of the low population level.

(iii) If man-made environmental changes are contributing to the downward trends, in addition to controlling effort Councils should recommend restoration of habitat and other ameliorative programs, to the extent possible, and consider whether to take action under section 302(i) of the Act.

(8) There are certain limited exceptions to the requirement of preventing overfishing. Harvesting the major component of a mixed fishery at its optimum level may result in the overfishing of a minor (smaller or less valuable) stock component in the fishery. A Council may decide to permit this type of overfishing if it is demonstrated by analysis (paragraph (f)(5) of this section) that it will result in net benefits to the Nation, and if the Council's action will not cause any stock to require protection under the Endangered Species Act (ESA).

(9) After February 25, 1991, all new and existing FMPs should contain a definition of overfishing for the stock or stock complex managed under the affected FMP.

(i) An FMP or amendment being developed and not yet adopted as final by the Councils at the time these guidelines become effective should contain a definition of overfishing when submitted for approval by the Secretary.

(ii) On or before November 21, 1989, Councils should examine each existing FMP as amended and notify the Regional Director if, in the opinion of the Council, the FMP is currently consistent with the provisions of § 602.11(c) without amendment. Within 90 days of notification, the Secretary will review any such FMP for consistency with § 602.11(c), and notify the Council of concurrence or disagreement.

(iii) On or before November 23, 1990, an amendment should be prepared and submitted to the Secretary for all existing FMPs not approved under paragraph (b)(9)(ii) of this section to add a definition of overfishing for the stock or stock complex managed under the affected FMP.

(d) *MSY.* (1) MSY is the largest average annual catch or yield that can be taken over a significant period of time from each stock under prevailing ecological and environmental conditions.

(2) MSY may be presented as a range of values. One MSY may be specified for a related group of species in a mixed-species fishery. Since MSY is a long-term average, it need not be specified annually, but must be based on the best scientific information available.

(3) MSY may be only the starting point in providing a realistic biological description of allowable fishery removals. MSY may need to be adjusted because of environmental factors, stock peculiarities, or other biological variables, prior to the determination of OY. An example of such an adjustment is determination of ABC.

(e) *ABC.* (1) ABC is a preliminary description of the acceptable harvest (or range of harvests) for a given stock or stock complex. Its derivation focuses on the status and dynamics of the stock, environmental conditions, other ecological factors, and prevailing technological characteristics of the fishery.

(2) When ABC is used, its specification constitutes the first step in deriving OY from MSY. Unless the best scientific information available indicates otherwise (see § 602.12 of this part), ABC should be no higher than the product of the stock's natural mortality rate and the biomass of the exploitable stock. If a threshold has been specified for the stock, ABC must equal zero when the stock is at or below that threshold (see paragraph (c)(2) of this section). ABC may be expressed in numeric or nonnumeric terms.

(f) *OY*—(1) *Definition.* The term *optimum* with respect to the yield from a fishery, means the amount of fish which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities; and which is prescribed as such on the basis of the maximum sustainable yield from each fishery, as modified by any relevant economic, social, or ecological factors (section 3(18)(b) of the Act).

(2) *Values in determination.* In determining the greatest benefit to the Nation, two values that should be weighed are food production and recreational opportunities (section 3(18)(a) of the Act). They should receive serious attention as measures of benefit when considering the economic, ecological, or social factors used in modifying MSY to obtain OY.

(i) *Food production* encompasses the goals of providing seafood to consumers, maintaining an economically viable fishery, and utilizing the capacity of U.S. fishery resources to meet nutritional needs.

(ii) *Recreational opportunities* includes recognition of the importance of the quality of the recreational fishing experience, and of the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(3) *Factors relevant to OY.* The Act's definition of OY identifies three categories of factors to be used in modifying MSY to arrive at OY: economic, social, and ecological (section 3(18)(b) of the Act). Not every factor will be relevant in every fishery. For some fisheries, insufficient information may be available with respect to some factors to provide a basis for corresponding modifications to MSY.

(i) *Economic factors.* Examples are promotion of domestic fishing, development of unutilized or underutilized fisheries, satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S.-harvested fish. Some other factors that may be considered are the value of fisheries, the level of capitalization, operating costs of vessels, alternate employment opportunities, and economies of coastal areas.

(ii) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery. Among other factors that may be considered are the cultural place of subsistence fishing, obligations under Indian treaties, and worldwide nutritional needs.

(iii) *Ecological factors.* Examples are the vulnerability of incidental or un-regulated species in a mixed-species fishery, predator-prey or competitive interactions, and dependence of marine mammals and birds or endangered species on a stock of fish. Equally important are environmental conditions that stress marine organisms, such as natural and man-made changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(4) *Specification.* (i) The *amount of fish* that constitutes the OY need not be expressed in terms of numbers or weight of fish. The economic, social, or ecological modifications to MSY may be expressed by describing fish having common characteristics, the harvest of which provides the greatest overall benefit to the Nation. For instance, OY may be expressed as a formula that converts periodic stock assessments into quotas or guideline harvest levels for recreational, commercial, and other fishing. OY may be defined in terms of an annual harvest of fish or shellfish having a minimum weight, length, or other measurement. OY may also be expressed as an amount of fish taken only in certain areas, or in certain seasons, or with particular gear, or by a specified amount of fishing effort. In the case of a mixed-species fishery, the incidental-species OY may be a function of the directed catch, or absorbed into an OY for related species.

(ii) If a numerical OY is chosen, a range or average may be specified.

(iii) In a fishery where there is a significant discard component, the OY may either include or exclude discards, consistent with the other yield determinations.

(iv) The OY specification can be converted into an annual numerical estimate to establish any TALFF and to analyze impacts of the management regime. There should be a mechanism in an FMP for periodic reassessment of the OY specification, so that it is responsive to changing circumstances in the fishery. (See § 602.12(e).)

(v) The determination of OY requires a specification of MSY. However, even where sufficient scientific data as to the biological characteristics of the stock do not exist, or the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size make this concept of limited value, the OY should be based on the best scientific information available.

(5) *Analysis.* An FMP must contain an analysis of how its OY specification was determined (section 303(a)(3) of the Act). It should relate the explanation of overfishing in paragraph (c) of this section to conditions in the particular fishery, and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. If overfishing is permitted under paragraph (c)(8) of this section, the analysis must contain a justification in terms of overall benefits and an assessment of the risk of the species or stock component reaching a *threatened* or *endangered* status. A Council must identify those economic, social, and ecological factors relevant to management of a particular fishery, then evaluate them to arrive at the modification (if any) of MSY. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation.

(g) *OY as a target.* (1) The specification of OY in an FMP is not automatically a quota or ceiling, although quotas may be derived from the OY where appropriate. OY is a target or goal; an FMP must contain conservation and management measures, and provisions for information collection, that are designed to achieve OY. These measures should allow for practical and effective implementation and enforcement of the management regime, so that the harvest is allowed to reach but not to exceed OY by a substantial amount. The Secretary has an obligation to implement and enforce the FMP so that OY is achieved. If management measures prove unenforceable—or too restrictive or not rigorous enough to realize OY—they should be modified; an alternative is to reexamine the adequacy of the OY specification.

(2) Exceeding OY does not necessarily constitute overfishing, although they might coincide. Even if no over-

fishing resulted, continual harvest at a level above a fixed-value OY would violate national standard 1 because OY was exceeded (not achieved) on a continuing basis.

(3) Part of the OY may be held as a reserve to allow for uncertainties in estimates of stock size and of DAH or to solve operational problems in achieving (but not exceeding) OY. If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to domestic or foreign fishermen, if necessary.

(h) *OY and foreign fishing.* Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States.

(1) *DAH.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(2) *DAP.* Each FMP must identify the capacity of U.S. processors. It must also identify the amount of DAP, which is the sum of two estimates:

(i) The amount of U.S. harvest that domestic processors will process. This estimate may be based on historical performance and on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and

(ii) The amount of fish that will be harvested by domestic vessels, but not processed (*e.g.*, marketed as fresh whole fish, used for private consumption, or used for bait).

(3) *JVP.* When DAH exceeds DAP, the surplus is available for JVP. JVP is derived from DAH.

[54 FR 30833, July 24, 1989; 54 FR 31640, July 31, 1989]

§ 602.12 National Standard 2—Scientific Information.

(a) *Standard 2.* Conservation and management measures shall be based upon the best scientific information available.

(b) *FMP development.* The fact that scientific information concerning a fishery is incomplete does not prevent the preparation and implementation of an FMP (see related §§ 602.13(d)(2) and 602.17(b)).

(1) Scientific information includes, but is not limited to, information of a biological, ecological, economic, or social nature. Successful fishery management depends, in part, on the timely availability, quality, and quantity of scientific information, as well as on the thorough analysis of this information, and the extent to which the information is applied. If there are conflicting facts or opinions relevant to a particular point, a Council may choose among them, but should justify the choice.

(2) FMPs must take into account the best scientific information available at the time of preparation. Between the initial drafting of an FMP and its submission for final review, new information often becomes available. This new information should be incorporated into the final FMP where practicable; but it is unnecessary to start the FMP process over again unless the information indicates that drastic changes have occurred in the fishery that might require revision of the management objectives or measures.

(c) *FMP implementation.* (1) An FMP must specify whatever information fishermen and processors will be required or requested to submit to the Secretary. Information about harvest within State boundaries, as well as in the EEZ, may be collected if it is needed for proper implementation of the FMP and cannot be obtained otherwise. The FMP should explain the practical utility of the information specified in monitoring the fishery, in facilitating inseason management decisions, and in judging the performance of the management regime; it should also consider the effort, cost, or social impact of obtaining it.

(2) An FMP should identify scientific information needed from other sources to improve understanding and management of the resource and the fishery.

(3) The information submitted by various data suppliers about the stocks(s) throughout its range or about the fishery should be comparable and compatible, to the maximum extent possible.

(d) *FMP amendment.* FMPs should be amended on a timely basis, as new information indicates the necessity for change in objectives or management measures.

(e) *Stock Assessment and Fishery Evaluation (SAFE) Report.* (1) The SAFE report is a document or set of documents that provides Councils with a summary of the most recent biological condition of species in the fishery management unit (FMU), and the social and economic condition of the recreational and commercial fishing interests and the fish processing industries. It summarizes, on a periodic basis, the best available scientific information concerning the past, present, and possible future condition of the stocks and fisheries being managed under Federal regulation.

(i) The Secretary has the responsibility to assure that a SAFE report or similar document is prepared, reviewed annually, and changed as necessary for each FMP. The Secretary or Councils may utilize any combination of talent from Council, State, Federal, university, or other sources to acquire and analyze data and produce the SAFE report.

(ii) The SAFE report provides information to the Councils for determining annual harvest levels from each stock, documenting significant trends or changes in the resource and fishery over time, and assessing the relative success of existing State and Federal fishery management programs. In addition, the SAFE report may be used to update or expand previous environmental and regulatory impact documents, and ecosystem and habitat descriptions.

(iii) Each SAFE report must be scientifically based, and cite data sources and interpretations.

(2) Each SAFE report should contain information on which to base harvest specifications (see appendix A to subpart B of this part for examples).

(3) Each SAFE report should contain information on which to assess the social and economic condition of the persons and businesses that rely on the use of fish resources, including fish processing industries (see appendix A to subpart B of this part for examples).

(4) Each SAFE report may contain additional economic, social, and ecological information pertinent to the success of management or the achievement of objectives of each FMP (see appendix A to subpart B of this part for examples).

§ 602.13 National Standard 3—Management Units.

(a) *Standard 3.* To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(b) *General.* The purpose of this standard is to induce a comprehensive approach to fishery management. The geographic scope of the fishery, for planning purposes, should cover the entire range of the stocks(s) of fish, and not be overly constrained by political boundaries. Wherever practicable, an FMP should seek to manage interrelated stocks of fish.

(c) *Unity of management.* Cooperation and understanding among entities concerned with the fishery (e.g., Councils, States, Federal government, international commissions, foreign nations) are vital to effective management. Where management of a fishery involves multiple jurisdictions, coordination among the several entities should be sought in the development of an FMP. Where a range overlaps Council areas, one FMP to cover the entire range is preferred. The Secretary designates which Council or Councils will prepare the FMP, under section 304(f) of the Act.

(d) *Management unit.* The term *management unit* means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives.

(1) *Basis.* The choice of a management unit depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives. For example:

(i) *Biological*—could be based on a stock(s) throughout its range.

(ii) *Geographic*—could be an area.

(iii) *Economic*—could be based on a
hery supplying specific product
rms.
(iv) *Technical*—could be based on a
shery utilizing a specific gear type or
nilar fishing practices.
(v) *Social*—could be based on fisher-
en as the unifying element, such as
hen the fishermen pursue different
ecies in a regular pattern through-
it the year.
(vi) *Ecological*—could be based on
ecies that are associated in the eco-
stem or are dependent on a particu-
r habitat.

(2) *Conservation and management*
easures. FMPs should include con-
rvation and management measures
r that part of the management unit
ithin U.S. waters, although the Sec-
tary can ordinarily implement them
nly within the EEZ. The measures
eed not be identical for each geo-
raphic area within the management
nit, if the FMP justifies the differ-
nces. A management unit may con-
ain, in addition to regulated species,
tocks of fish for which there is not
nough information available to speci-
y MSY and OY or to establish man-
gement measures, so that data on
hese species may be collected under
he FMP.

(e) *Analysis.* To document that an
MP is as comprehensive as practica-
le, it should include discussions of
he following:

(1) The range and distribution of the
tocks, as well as the patterns of fish-
ng effort and harvest.

(2) Alternative management units
nd reasons for selecting a particular
ne. A less-than-comprehensive man-
gement unit may be justified if, for
example, complementary management
exits or is planned for a separate geo-
graphic area or for a distinct use of
the stocks, or if the unmanaged por-
tion of the resource is immaterial to
proper management.

(3) Management activities and habitat programs of adjacent States and their effects on the FMP's objectives and management measures. Where State action is necessary to implement measures within State waters to achieve FMP objectives, the FMP should identify what State action is necessary, discuss the consequences of State inaction or contrary action, and make appropriate recommendations. The FMP should also discuss the impact that Federal regulations will have on State management activities.

(4) Management activities of other countries having an impact on the fishery, and how the FMP's management measures are designed to take into account these impacts. International boundaries may be dealt with in several ways. For example:

(i) By limiting the management unit's scope to that portion of the stock found in U.S. waters;

(ii) By estimating MSY for the entire stock and then basing the determination of OY for the U.S. fishery on the portion of the stock within U.S. waters; or

(iii) By referring to treaties or cooperative agreements.

[54 FR 30833, July 24, 1989; 54 FR 31640, July 31, 1989]

§ 602.14 National Standard 4—Allocations.

(a) *Standard 4.* Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be: (1) Fair and equitable to all such fishermen; (2) reasonably calculated to promote conservation; and (3) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(b) *Discrimination among residents of different States.* An FMP may not differentiate among U.S. citizens, nationals, resident aliens, or corporations on the basis of their State of residence. An FMP may not incorporate or rely on a State statute or regulation that discriminates against residents of another State. Conservation and management measures that have different effects on persons in various geographic locations are permissible, if they satisfy the other guidelines under standard 4. Examples of these precepts are:

(1) An FMP that restricted fishing in the EEZ to those holding a permit from State X would violate standard 4

if State X issued permits only to its own citizens.

(2) An FMP that closed a spawning ground might disadvantage fishermen living in the State closest to it, because they would have to travel farther to an open area, but the closure could be justified under standard 4 as a conservation measure with no discriminatory intent.

(c) *Allocation of fishing privileges.* An FMP may contain management measures that allocate fishing privileges if such measures are necessary or helpful in furthering legitimate objectives or in achieving the OY, and if the measures conform with paragraphs (c)(3) (i) through (iii) of this section.

(1) *Definition.* An *allocation* or *assignment* of fishing privileges is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. Any management measure (or lack of management) has incidental allocative effects, but only those measures that result in direct distributions of fishing privileges will be judged against the allocation requirements of standard 4. Adoption of an FMP that merely perpetuates existing fishing practices may result in an allocation, if those practices directly distribute the opportunity to participate in the fishery. Allocations of fishing privileges include, for example, per-vessel catch limits, quotas by vessel class and gear type, different quotas or fishing seasons for recreational and commercial fishermen, assignment of ocean areas to different gear users, and limitation of permits to a certain number of vessels or fishermen.

(2) *Analysis of allocations.* Each FMP should contain a description and analysis of the allocations existing in the fishery and of those made in the FMP. The effects of eliminating an existing allocation system should be examined. Allocation schemes considered but rejected by the Council should be included in the discussion. The analysis should relate the recommended allocations to the FMP's objectives and OY specification, and discuss the factors listed in paragraph (c)(3) of this section.

(3) *Factors in making allocations.* An allocation of fishing privileges must be fair and equitable, must be reasonably calculated to promote conservation, and must avoid excessive shares. These tests are explained in paragraphs (c)(3) (i) through (iii) of this section:

(i) *Fairness and equity.* (A) An allocation of fishing privileges should be rationally connected with the achievement of OY or with the furtherance of a legitimate FMP objective. Inherent in an allocation is the advantaging of one group to the detriment of another. The motive for making a particular allocation should be justified in terms of the objectives of the FMP; otherwise, the disadvantaged user groups or individuals would suffer without cause. For instance, an FMP objective to preserve the economic status quo cannot be achieved by excluding a group of long-time participants in the fishery. On the other hand, there is a rational connection between an objective of harvesting shrimp at their maximum size and closing a nursery area to trawling.

(B) An allocation of fishing privileges may impose a hardship on one group if it is outweighed by the total benefits received by another group or groups. An allocation need not preserve the status quo in the fishery to qualify as *fair and equitable*, if a restructuring of fishing privileges would maximize overall benefits. The Council should make an initial estimate of the relative benefits and hardships imposed by the allocation, and compare its consequences with those of alternative allocation schemes, including the status quo. Where relevant, judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.

(ii) *Promotion of conservation.* Numerous methods of allocating fishing privileges are considered *conservation and management measures* under section 303 of the Act. An allocation scheme may promote conservation by encouraging a rational, more easily managed use of the resource. Or it may promote conservation (in the sense of wise use) by optimizing the yield, in terms of size, value, market mix, price, or economic or social benefit of the product.

(iii) *Avoidance of excessive shares.* An allocation scheme must be designed to deter any person or other entity from acquiring an excessive share of fishing privileges, and to avoid creating conditions fostering inordinate control, by buyers or sellers, that would not otherwise exist.

(iv) *Other factors.* In designing an allocation scheme, a Council should consider other factors relevant to the FMP's objectives. Examples are economic and social consequences of the scheme, food production, consumer interest, dependence on the fishery by present participants and coastal communities, efficiency of various types of gear used in the fishery, transferability of effort to and impact on other fisheries, opportunity for new participants to enter the fishery, and enhancement of opportunities for recreational fishing.

[54 FR 30833, July 24, 1989; 54 FR 31529, July 31, 1989]

§ 602.15 National Standard 5—Efficiency.

(a) *Standard 5.* Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(b) *Efficiency in the utilization of resources*—(1) *General.* The term *utilization* encompasses harvesting, processing, and marketing, since management decisions affect all three sectors of the industry. The goal of promoting efficient utilization of fishery resources may conflict with other legitimate social or biological objectives of fishery management. In encouraging efficient utilization of fishery resources, this standard highlights one way that a fishery can contribute to the Nation's benefit with the least cost to society: given a set of objectives for the fishery, an FMP should contain management measures that result in as efficient a fishery as is practicable or desirable.

(2) *Efficiency.* In theory, an efficient fishery would harvest the OY with the minimum use of economic inputs such as labor, capital, interest, and fuel. Efficiency in terms of aggregate costs then becomes a conservation objective, where *conservation* constitutes wise use of all resources involved in the fishery, not just fish stocks.

(i) In an FMP, management measures may be proposed that allocate fish among different groups of individuals or establish a system of property rights. Alternative measures examined in searching for an efficient outcome will result in different distributions of gains and burdens among identifiable user groups. An FMP should demonstrate that management measures aimed at efficiency do not simply redistribute gains and burdens without an increase in efficiency.

(ii) Management regimes that allow a fishery to operate at the lowest possible cost (e.g. fishing effort, administration, and enforcement) for a particular level of catch and initial stock size are considered efficient. Restrictive measures that unnecessarily raise any of those costs move the regime toward inefficiency. Unless the use of inefficient techniques or the creation of redundant fishing capacity contributes to the attainment of other social or biological objectives, an FMP may not contain management measures that impede the use of cost-effective techniques of harvesting, processing, or marketing, and should avoid creating strong incentives for excessive investment in private sector fishing capital and labor.

(c) *Limited access.* A *system for limiting access,* which is an optional measure under section 303(b) of the Act, is a type of allocation of fishing privileges that may be used to promote economic efficiency or conservation. For example, limited access may be used to combat overfishing, overcrowding, or overcapitalization in a fishery to achieve OY. In an unutilized or underutilized fishery, it may be used to reduce the chance that these conditions will adversely affect the fishery in the future, or to provide adequate economic return to pioneers in a new fishery. In some cases, limited entry is a useful ingredient of a conservation scheme, because it facilitates application and enforcement of other management measures.

(1) *Definition.* Limited access (or limited entry) is a management technique that attempts to limit units of effort in a fishery, usually for the purpose of reducing economic waste, improving net economic return to the fishermen, or capturing economic rent for the benefit of the taxpayer or the consumer. Common forms of limited access are licensing of vessels, gear, or fishermen to reduce the number of units of effort, and dividing the total allowable catch into fishermen's quotas (a stock-certificate system). Two forms (i.e., Federal fees for licenses or permits in excess of administrative costs, and taxation) are not permitted under the Act.

(2) *Factors to consider.* The Act ties the use of limited access to the achievement of optimum yield. An FMP that proposes a limited access system must consider the factors listed in section 303(b)(6) of the Act and in § 602.14(c)(3) of these guidelines. In addition, it should consider the criteria for qualifying for a permit, the nature of the interest created, whether to make the permit transferable, and the Act's limitation on returning economic rent to the public under section 304(d)(1). The FMP should also discuss the costs of achieving an appropriate distribution of fishing privileges.

(d) *Analysis.* An FMP should discuss the extent to which overcapitalization, congestion, economic waste, and inefficient techniques in the fishery reduce the net benefits derived from the management unit and prevent the attainment and appropriate allocation of OY. It should also explain in terms of the FMP's objectives any restriction placed on the use of efficient techniques of harvesting, processing, or marketing. If during FMP development the Council considered imposing a limited-entry system, the FMP should analyze the Council's decision to recommend or reject limited access as a technique to achieve efficient utilization of the resources of the fishing industry.

(e) *Economic allocation.* This standard prohibits only those measures that distribute fishery resources among fishermen on the basis of economic factors alone, and that have economic allocation as their only purpose. Where conservation and management measures are recommended that would change the economic structure of the industry or the economic conditions under which the industry operates, the need for such measures must be justified in light of the biological, ecological, and social objectives of the FMP as well as the economic objectives.

§ 602.16 National Standard 6—Variations and Contingencies.

(a) *Standard 6.* Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(b) *Conservation and management.* Each fishery exhibits unique uncertainties. The phrase *conservation and management* implies the wise use of fishery resources through a management regime that includes some protection against these uncertainties. The particular regime chosen must be flexible enough to allow timely response to resource, industry, and other national and regional needs. Continual data acquisition and analysis will help the development of management measures to compensate for variations and to reduce the need for substantial buffers. Flexibility in the management regime and the regulatory process will aid in responding to contingencies.

(c) *Variations.* (1) In fishery management terms, variations arise from biological, social, and economic occurences, as well as from fishing practices. Biological uncertainties and lack of knowledge can hamper attempts to estimate stock size and strength, stock location in time and space, environmental/habitat changes, and ecological interactions. Economic uncertainty may involve changes in foreign or domestic market conditions, changes in operating costs, drifts toward overcapitalization, and economic perturbations caused by changed fishing patterns. Changes in fishing practices, such as the introduction of new gear, rapid increases or decreases in harvest effort, new fishing strategies, and the effects of new management techniques, may also create uncertainties. Social changes could involve increases or decreases in recreational fishing, or the movement of people into or out of fishing activities due to such factors as age or educational opportunities.

(2) Every effort should be made to develop FMPs that discuss and take into account these vicissitudes. To the extent practicable, FMPs should provide a suitable buffer in favor of conservation. Allowances for uncertainties should be factored into the various elements of an FMP. Examples are:

(i) *Reduce OY.* Lack of scientific knowledge about the condition of a stock(s) could be reason to reduce OY.

(ii) *Establish a reserve.* Creation of a reserve may compensate for uncertainties in estimating domestic harvest, stock conditions, or environmental factors.

(iii) *Adjust management techniques.* In the absence of adequate data to predict the effect of a new regime, and to avoid creating unwanted variations, a Council could guard against producing drastic changes in fishing patterns, allocations, or practices.

(iv) *Highlight habitat conditions.* FMPs may address the impact of pollution and the effects of wetland and estuarine degradation on the stocks of fish; identify causes of pollution and habitat degradation and the authorities having jurisdiction to regulate or influence such activities; propose recommendations that the Secretary will convey to those authorities to alleviate such problems; and state the views of the Council on unresolved or anticipated issues.

(d) *Contingencies.* Unpredictable events—such as unexpected resource surges or failures, fishing effort greater than anticipated, disruptive gear conflicts, climatic conditions, or environmental catastrophes—are best handled by establishing a flexible management regime that contains a range of management options through which it is possible to act quickly without amending the FMP or even its regulations.

(1) The FMP should describe the management options and their consequences in the necessary detail to guide the Secretary in responding to changed circumstances, so that the Council preserves its role as policy-setter for the fishery. The description enable the public to understand what may happen under the flexible regime, and to comment on the options.

(2) FMPs should include criteria for the selection of management measures, directions for their application, and mechanisms for timely adjustment of management measures comprising the regime. For example, an FMP could include criteria that allow the Secretary to open and close seasons, close fishing grounds, or make other adjustments in management measures.

(3) Amendment of a flexible FMP would be necessary when circumstances in the fishery change substantially, or when a Council adopts a different management philosophy and objectives.

§ 602.17 National Standard 7—Costs and Benefits.

(a) *Standard 7.* Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) *Necessity of Federal management—(1) General.* The principle that not every fishery needs regulation is implicit in this standard. The Act does not require Councils to prepare FMPs for each and every fishery—only for those where regulation would serve some useful purpose and where the present or future benefits of regulation would justify the costs. For example, the need to collect data about a fishery is not, by itself, adequate justification for preparation of an FMP, since there are less costly ways to gather the data (see § 602.13(d)(2)). In some cases, the FMP preparation process itself, even if it does not culminate in a document approved by the Secretary, can be useful in supplying a basis for management by one or more coastal States.

(2) *Criteria.* In deciding whether a fishery needs management through regulations implementing an FMP, the following general factors should be considered, among others:

(i) The importance of the fishery to the Nation and to the regional economy.

(ii) The condition of the stock or stocks of fish and whether an FMP can improve or maintain that condition.

(iii) The extent to which the fishery could be or is already adequately managed by States, by State/Federal programs, by Federal regulations pursuant to FMPs or international commissions, or by industry self-regulation, consistent with the policies and standards of the Act.

(iv) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.

(v) The economic condition of a fishery and whether an FMP can produce more efficient utilization.

(vi) The needs of a developing fishery, and whether an FMP can foster orderly growth.

(vii) The costs associated with an FMP, balanced against the benefits (see paragraph (d) of this section as a guide).

(c) *Alternative management measures.* Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations, or on Federal, State, or local governments. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative.

(d) *Analysis.* The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. In determining the benefits and costs of management measures, each management strategy considered and its impacts on different user groups in the fishery should be evaluated. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives including the status quo, is adequate. If quantitative estimates are not possible, qualitative estimates will suffice.

(1) *Burdens.* Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with ensuring wise use of the resources and reducing conflict in the fishery. The type and level of burden placed on user groups by the regulations need to be identified. Such an examination should include, for example: capital outlays; operating and maintenance costs; reporting costs; administrative, enforcement, and information costs; and prices to consumers. Management measures may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Redistribution of costs through regulations is likely to generate controversy. A discussion of these and any other burdens placed on the public through FMP regulations should be a part of the FMP's supporting analyses.

(2) *Gains.* The relative distribution of gains may change as a result of instituting different sets of alternatives, as may the specific type of gain. The analysis of benefits should focus on the specific gains produced by each alternative set of management measures, including the status quo. The benefits to society that result from the alternative management measures should be identified, and the level of gain assessed.

[54 FR 30833, July 24, 1989; 54 FR 31640, July 31, 1989]

APPENDIX A TO SUBPART B—EXPLANATORY MATERIAL

Purpose of Appendix

The purpose of the Appendix is to preserve, as codified reference, useful explanatory material and supplementary policy rationale originally published as preamble to the various editions of the proposed and final 50 CFR part 602 rules.

Overview of Approach

The guidelines are designed to allow for innovative policy evolution in response to new biological, social, economic, or ecological circumstances, and set out the benchmarks of current fishery management policy under the Act. NOAA believes the guidelines should supply the Councils, as fishery management planners, a means to assess their work in developing and documenting their decisions. To that end, certain sections of the guidelines specifically address requirements and options for contents of an FMP, supplementing and drawing into relevant focus provisions of Phase II, *Operational Guidelines for the Fishery Management Process,* February 1988 revision. These sections are usually indicated by the paragraph heading "analysis," within which is given more detailed guidance as to the kind of discussion and examination that an FMP should contain to demonstrate consistency with the standard in question. Words within these sections were carefully chosen to convey levels of effort and information commensurate with need (*e.g.,* "consider," "take into account," "explain," "discuss," "examine," "analyze," "identify.")

Fishery management decisions affect the users of fish resources, the government, and the individual taxpayer/consumer. Members of user groups, those responsible for implementing a fishery management regime, and the general citizenry need to know the reasons for decisions that affect them. Thus, it is important that certain issues (particularly those that are controversial) undergo enough examination and discussion to illuminate the options, demonstrate the rationales, and justify the final choice of management regime. This implicit democratic principle of accountability in government underlies and reinforces the Secretary's statutory responsibility to make informed judgments regarding an FMP's consistency with the national standards. The principle is reflected in the philosophies of the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), the Paperwork Reduction Act (PRA), and Executive Order (E.O.) 12291—all of which seek accountability in regulatory action.

The guidelines contain a style guide, which explains the use of specific words to distinguish the advisory, explanatory, or obligatory nature of the guideline language, and presents other words within the precise context of the guidelines. The guidelines seek as much precision as possible in the use of the words "should" and "must". "Must" is used to denote an obligation to act and is used primarily when referring to requirements of the Act, the logical extension thereof, or other applicable law. "Should" is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Act, and is a factor that reviewers will look for in evaluating an FMP.

The guidelines seek to provide options rather than establish requirements. Lists are not intended to be exclusive; they provide examples or illustrations of the kind of information, discussion, or examination/analysis useful in demonstrating consistency with the standard in question. The guidelines also seek to avoid universal application of a specific provision, except as required by law, so that the maximum accommodation to regional or individual fishery characteristics can be achieved within the standards.

The guidelines make clear that FMPs in substantial compliance with the guidelines, the Act, and other applicable law must be approved. The guidelines are meant as a protection for everyone in the FMP system. Their acceptance and use are a matter of practical utility for the Councils and of public commitment of the agency to consistent application of the policies stated. As an aggregation of policies developed through creative Council responses to regional fishery management problems, they are a way of sharing the empirical knowledge gained over the life of the Act. In summary, the guidelines are intended as an aid to decisionmaking, with responsible conservation and management of a valued national resource as the goal.

Overview of the 1989 Revision

Changes made in the guidelines since they were issued in 1983 address national standards 1 and 2 only, and were motivated largely by the need, articulated by the 1986 Fishery Management Study and others, for a conservation standard. Consequently, changes in the guidelines emphasize the resource, not its allocation, and focus on overfishing, not on optimum yield (OY). Importantly, the guidelines do not change the relationship between the two as implied in the Act: While overfishing necessarily violates the Act's requirement to achieve (OY), exceeding OY does not necessarily violate the Act's prohibition of overfishing. If a stock is in good condition, the specification of OY may serve various goals besides prevention of overfishing. Exceeding the OY may interfere with achievement of those goals but not affect the reproductive potential of the stock. On the other hand, if OY is the amount of fish that can safely be removed from the stock, exceeding OY may well constitute overfishing.

The revised guidelines for standard 1 set forth a comprehensive overfishing concept within which each Council must establish a specific, measurable definition of overfishing for each stock or stock complex covered by an FMP. That concept is based on the premise that irreversible damage to a resource's availability to recover in a reasonable period of time is unacceptable, and that fishing on a stock at a level that severely compromises that stock's future productivity is counter to the goals of the Magnuson Act. Councils are provided with the flexibility needed to develop a definition of overfishing appropriate to individual stocks or species, as long as it is defined in a way that allows the Councils and the Secretary to evaluate the condition of the stock relative to the definition. General criteria are set forth as a basis for Secretarial review of the definition; these criteria address the overfishing definition specifically and do not change the Secretary's obligation to review FMPs/amendments for consistency with all the national standards, the Act, and other applicable law.

The revised guidelines for standard 2 describe a Stock Assessment and Fishery Evaluation (SAFE) document or set of documents prepared or aggregated periodically, whereby Councils can obtain an objective overview of the status of stocks and fisheries under management. The SAFE document would ideally include all the types of data necessary for the determination of OY, as well as provide the basis for a Council's treatment of the overfishing/OY relationship. While the Secretary has the responsibility for assuring that the SAFE report is produced, it is not intended to be exclusively authored by NOAA. The report can be produced by any combination of talent from academic, government, or other sources. The report should be reviewed annually, but is not required to be revised annually except as there have been new developments or significant changes in a fishery. The itemized examples of data listed in this Appendix are not mandatory, but—as appropriate to the fishery, taking into consideration the need to establish priorities within budget constraints—the best available data must be addressed. Several Councils currently produce such fishery reviews, which generally provide the kinds of information suggested in this Appendix under Standard 2.

The SAFE report does not necessarily call for new information or new procedures; the intent is to provide, in one reference, an aggregation or a summary of the best biological, social, economic, and ecological information available to a Council when needed: (a) To determine annual harvest levels or OYs for species in each fishery management unit (FMU), and (b) to evaluate the effectiveness of its management in preventing overfishing as defined by the Council. Such a report can provide a useful tracking tool for assessing the relative achievement of FMP objectives by establishing a time-series data base indicating the relative health of stocks and the interests dependent on them.

STANDARD 1

Overfishing

Overfishing is a relative term; it cannot be defined in isolation from its biological, social, economic, or ecological consequences, nor from its relationship to given management objectives. The prevention of overfishing has as its general goal the protection of a stock's productive capacity.

Significant downward trends in spawning stock size or average annual recruitment to the fishery may signal that overfishing is occurring, although such trends can also be symptomatic of other phenomena, for example the development of a new fishery. Ascertaining whether these trends signal overfishing is a judgment based on scientific stock assessment, which in turn may be based on data obtained from harvesters and processors (through logbooks, catch samples, interviews, weigh-out slips, etc.), resource surveys, or other scientific research.

NOAA also recognizes that a decline in stock size or abundance may occur independent of fishing pressure and that adverse changes in essential habitat may increase the risk that fishing effort will contribute to a stock collapse. Regardless of the cause of a decline, however, the Act limits a Council's authority in addressing the situation. The only direct control available under the Act is to adjust fishing mortality, which may be accomplished in several ways (*e.g.*, by establishing or adjusting time/area closures or limits on catch, mesh size, vessel days, or the number of vessels entering the fishery). If man-made environmental changes are contributing to the downward trends, in addition to controlling effort Councils should recommend restoration of habitat and other ameliorative programs, to the extent possible, and consider whether to take action under section 302(i) of the Act.

Different fishing patterns can produce a variety of effects on local and areawide abundance, availability, size, and age composition of a stock. Some of these fishing patterns have been called "growth," "localized," or "pulse" overfishing; however, these patterns are not necessarily overfishing under national standard 1. A Council may recommend conservation and management measures to prevent or permit these effects, depending on the objectives of a particular FMP and the specific definition of overfishing established for the stock or stock complex under management.

The term "growth overfishing" often refers to the practice of taking too many fish from a cohort (year class) before the cohort has attained its maximum potential biomass. The term can also refer to harvesting at a fishing mortality rate in excess of that which maximizes the expected yield from a cohort given a particular age or size of recruitment. "Growth overfishing" can be practiced deliberately, for example to capitalize on demand for a smaller product, or inadvertently, for example by using nonselective gear. "Growth overfishing" may be discouraged or disallowed by regulating fishing gear or imposing time/area closures, to force fishing on larger or more marketable fish.

lized overfishing" occurs when a depleted within a confined portion ange. For example, this fishing pat- n occur in reef fisheries when con- ed fishing pressure reduces the popu- of a species or species complex inhab- particular reef or reef complex. An ant characteristic of this fishing pat- that it is often temporary; if fishing s reduced sufficiently, the remainder stock can often repopulate the de- portion, reversing the condition.

e overfishing" can be tolerated certain conditions. For example, it metimes be desirable for economic cial reasons to take a large amount of a short time, and then to let the recover. In general, the key point in of national standard 1 is not so much ttern of fishing (*e.g.*, pulse vs. sus- as the rate of fishing mortality and ect on the long-term capacity of the o produce MSY.

management regimes become more hensive, the interrelationships of pressures on target and nontarget ll as major and minor) species will o be addressed more directly. In deter- allowable fishing levels, Councils consider all sources of mortality on a including non-targeted fishing, dis- and illegal catch. Because all remov- m the stock, whether landed or un- , will affect spawning stock biomass now or in the near future, Councils attempt to obtain estimates of all s of mortality and consider these esti- in adjusting directed fishing levels. the general expectation is for total mortality on a stock to be managed hat overfishing does not occur, NOAA es that rational management of multi- s fisheries includes acknowledgement fact that overharvesting minor com- ts of these fisheries may be allowable tain cases. The guidelines emphasize such cases are characterized by two sary conditions: (1) That analysis dem- ates positive net benefits to the Nation result from overfishing the minor onent(s), and (2) that such overharvest ot cause any stock to require protec- nder the Endangered Species Act.

AA believes that the overfishing sec- of the guidelines are responsive to the gs of the Act and to subsequent stud- ging a conservation standard—particu- when read in conjunction with the sis provisions throughout the guide- and with the standard 6 guideline pro- s for buffers, reserves, and framework flexibility.

Maximum Sustainable Yield

ch of the past controversy concerning has related to its adequacy as a man- ent goal. As used in the Act, however, calculation of MSY is a only a baseline step in the overall process of determining OY. Recognizing that MSY must represent the underlying biological rationale for determination of OY in a wide variety of fisheries, the guidelines set forth a flexible framework for its calculation. Recognition of the need for flexibility in calculating MSY has come as a result of FMP review experience and Council innovation in adapting this concept to the characteristics of different fisheries.

It is clear that every attempt should be made to satisfy the Act's requirement for specification of MSY. However, there may be cases where scarcity of data or tentativeness of scientific understanding renders MSY specification impossible, or where biological resiliency or high fecundity of some stocks or other fishery characteristic may allow OY to become a descriptive statement only—making a numerical calculation of MSY unnecessary. In such cases, NOAA believes that Congressional intent is served if OY derives from the best biological information available, *e.g.*, the proportional abundance of associated species. Descriptive OYs should be convertible to annual numerical estimates for the purpose of deriving the total allowable level of foreign fishing (TALFF).

As a subsequent step in the process of determining OY, MSY may be adjusted (deviated from) for economic, social, or ecological reasons. One type of adjustment is illustrated by the concept of biologically acceptable catch (ABC), used by some Councils. ABC is an annually determined number that may be set lower or higher than MSY for a number of reasons, *e.g.*, to take advantage of abnormally high recruitment, to allow rebuilding of stocks, or to be conservative when there are inadequate data on the status of the stocks.

Optimum Yield

NOAA believes it important to keep the distinction clear between the two separate parts of standard 1: To prevent overfishing, and to achieve OY. The guidelines are written such that overfishing is an intrinsic limitation on OY; it is built into the OY determination, yet maintains a separate identity as a constraint. For example, exceeding a stock's OY by a small amount typically does not constitute overfishing when the stock is healthy. On the other hand, exceeding OY can coincidentally constitute overfishing when the margins of tolerance are low. Buffers to protect against overfishing because of uncertainty in estimating stock size or domestic harvest may be established in the form of reserves or a reduced OY.

Regardless of whether sustained harvesting at a level above OY constitutes overfishing, such a harvest pattern violates the

Act's requirement to achieve OY on a continuing basis. In other words, national standard 1 is violated whenever the level of harvest is consistently and significantly different from OY, irrespective of whether that harvest level is above or below OY. While recognizing that OY might not be achieved every year in practice, NOAA believes that Councils must make every reasonable attempt to see that it is.

The guidelines also state that in the case of a mixed species fishery, the OY for incidental species may be a function of the directed catch, or absorbed into an OY for related species.

NOAA believes that achievement of OY includes giving foreign fishing vessels reasonable opportunity to harvest the portion of the OY (TALFF) that would not otherwise be harvested by vessels of the United States. However, nothing precludes Councils from setting OY equal to DAH (effectively eliminating TALFF), if circumstances warranting such action are documented. For example, international economic concerns may influence the size of TALFF through their consideration as modifying factors in the determination of OY.

STANDARD 2

General

Application of this standard affects the operation of all the other standards. The quantity and quality of scientific information influence the establishment of MSY, OY, and management unit composition; they underlie allocative determinations, judgments of efficiency, adjustments for variations and contingencies, and evaluations of costs and benefits. The guidelines address the questions of timeliness, opposing bodies of opinion, and practical utility of the information specified, and emphasize the continuing need for information for monitoring and in-season adjustment decisions under a flexible management regime. A voluntary system of data collection is permissible, but requires a justification under the Paperwork Reduction Act, and is not covered under the Act's confidentiality provision. It is acceptable to collect data within State boundaries when needed for proper implementation of an FMP, but duplication of effort should be avoided. Successful data collection depends on the protection of confidential data, the public trust in that protection, and the public perception of the valid uses of those data. The validity of the entire process may hinge on the cooperative attitudes of constituents, the research community, and the relevant governmental institutions.

Stock Assessment and Fishery Evaluation (SAFE) Report

The SAFE Report provides Councils wit a summary of the biological condition c species in the FMU, and the social and ec nomic condition of recreational and com mercial fishing interests and fish processin industries. The SAFE report summarizes, o a periodic basis, the best available scientifi information concerning the past, presen and possible future condition of the stock and fisheries being managed under Feder regulation.

(1) Each SAFE report should contain i formation on which to base harvest specif cations, such as:

(a) Estimates of total biomass and/c spawning biomass for each stock in th FMU;

(b) Estimates of the annual surplus pr duction (ASP) and MSY for each stock i the FMU;

(c) Description of the estimated biomas ASP, and MSY in previous years relative t those estimates for the current or next yea

(d) Description of the model or assum tions on which these estimates are base and a discussion of the reliability of each e timate;

(e) If a stock is depleted, estimated tim necessary to allow the stock to rebuild t the MSY-producing level, threshold level, c other specified level under various harves levels and prevailing environmental cond tions; and

(f) Significant changes (if any) in th habitat or ecosystem since it was last d scribed in the FMP, an amendment to th FMP, or previous SAFE report.

(2) Each SAFE report should contain i formation on which to assess the econom and social condition of persons and bus nesses that rely on recreational and com mercial use of fish resources, including fis processing industries, such as:

(a) Estimate of the amount of fish ha vested from each stock in the FMU, by ge type and area, in the most recent 3 yea and in the year immediately prior to impl mentation of the FMP governing fisheri for (or in) the FMU. If applicable, th amount of fish harvested in the same tim period by wholly domestic, joint ventur and foreign fisheries;

(b) The approximate exvessel value c commercially harvested fish described i item (a) of this paragraph;

(c) Amounts and estimated value of eac type of processed product derived from th harvested fish described in item (1) of th paragraph;

(d) Estimates of the numbers of comme cial vessels, by gear type and in terms of i dividual vessels, involved in each fishery fo (or in) the FMU;

(e) Estimates of the number of commercial fishermen employed in each fishery for (or in) the FMU;

(f) The numbers of processing plants, floating and shore based, individual and by product type, involved in processing the harvested fish described in item (1) of this paragraph;

(g) Estimates of the number of individuals employed in the processing plants described in item (f) of this paragraph;

(h) Estimates of the amount of fish harvested by recreational fishermen from the FMU;

(i) Estimates of the numbers of recreational fishermen who harvested fish from the FMU;

(j) Estimates of the number of charter vessels and party boats involved in the recreational fishery; and

(k) The estimated value of the recreational fishery for (or in) the FMU.

(3) Each SAFE report may contain additional economic, social, and ecological information pertinent to the success of management or the achievement of objectives of each FMP, such as:

(a) Enforcement actions taken and penalties assessed and collected over the most recent 3 years under an implemented FMP;

(b) Significant changes (if any) in State regulations pertinent to the FMU and their known or anticipated effects on stocks in the FMU;

(c) Significant changes (if any) in related fisheries which may affect the fishing effort for (or in) the FMU; and

(d) Potential conservation and management problems, their possible causes and solutions.

STANDARD 3

Standard 3's principle of comprehensive management works well with standard 7's principle of avoiding duplication. The emphasis in the revision is on the scope, composition, and unity of the management unit, and on coordination and cooperation rather than on potential jurisdictional tension. NOAA believes that range-wide planning should encourage active State participation in the planning process, and that such planning will provide clear direction to the States as to what is needed to implement the proposed management regime effectively. This is consistent with Council practice; the result should be greater compatibility between Federal and State management measures.

Because the potential for incompatibility does exist, however, the guidelines require an FMP to discuss the interrelationship between State management activities and the proposed Federal regime. Federal regulations supersede any conflicting State regulations of EEZ fishing (F/V American Eagle v. Alaska, No. 2227 (Alaska, Nov. 21, 1980)). State landing laws and other forms of indirect regulation of EEZ fishing may be affected by implementing an FMP. The required analysis focuses attention on these impacts and on the effect of inconsistent State action on attaining the objectives of the FMP. This latter discussion will assist in determining Secretarial responsibilities under section 306(b) of the Act.

Standard 3 calls for management of a "stock" throughout its range. NOAA feels that the use of the words "stock," "fishery," and "management unit" is significant, and has endeavored to use the appropriate term in the guidelines. A stock may be larger than the fishery, as is the case when only a portion of the stock is actively fished. A fishery may be larger than a stock, when more than one stock is fished together. The management unit may ignore a portion of fishery or stock when it includes a transboundary fishery or when a minor portion of the unit is fished within the area of authority of another Council. Examples are given of the perspectives around which a management unit may be organized.

STANDARD 4

To assist Councils in making what are usually the most controversial decisions within an FMP, NOAA has tried to confront the human issues surrounding fishery management directly, consistent with its concern for the economic and social consequences of regulation.

The guidelines address the "discrimination among residents of different States" issue as an extension of the Federal privilege and immunities" clause of the U.S. Constitution, which means that Councils may not rely on, nor incorporate within an FMP, a State law that discriminates against residents of a different State. Discrimination is a distinct concept from equity.

Fishery management is essentially a series of allocations among present users, between present and future users, between public and private interests. The guidelines define "allocation" for purposes of the standard as a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete groups of fishermen. Because only measures that meet the definition will be judged against the standard, this is a critical and sensitive differentiation.

Many management measures may have an *incidental* effect on the fishing privileges enjoyed by different groups of U.S. fishermen. Any quota has a distributive effect on present and future users through its impact on stock maintenance or rebuilding. Area closures may cause practical difficulties for smaller vessels or those located far from open areas. Seasonal quotas create difficulties for those whose economics of operation do not permit a long period of inactivity.

Direct allocations, by contrast, have been made by the several Councils in a variety of FMPs in the past: Quotas by classes of vessels (Atlantic groundfish), quotas for commercial and recreational fishermen (Atlantic mackerel), different fishing seasons for recreational and commercial fishermen (salmon), assignment of ocean areas to different gears (stone crab), and limiting permits to present users (surf clam). These direct allocations were approved under standard 4 because the Councils complied with the three statutory criteria of the standard in constructing their allocation schemes.

The guideline's definition is an attempted middle ground between all measures affecting fishing practices and measures designated as allocations in an FMP. The distribution must be direct and deliberate, but a Council could not disclaim an intent to allocate through a measure that had obvious and inevitable allocative effects.

NOAA believes that the required analysis of allocations and alternative schemes considered—including the status quo—will help to focus attention on the existing distribution of privileges and the alteration of that distribution which Federal management will impose. Each FMP should contain the Council's judgment on fairness and equity, conservation promotion, and possible monopolistic or oligopolistic effects of the proposed allocations.

The guidelines link "fairness" with FMP objectives and OY and acknowledge that fishing rights of treaty Indians and aboriginal Americans should be factored into Council judgments. Rational use of the resource is suggested as one way an allocation scheme may promote conservation. A more visible conservation purpose is illustrated by the moratorium on entry of new vessels into the surf clam fishery, initiated to mitigate a resource crisis in a stock.

STANDARD 5

NOAA believes that, for purposes of standard 5, efficiency can be defined as the ability to produce a desired effect or product (or achieve an objective) with a minimum of effort, costs, or misuse of valuable biological and economic resources. In other words, Councils should choose management measures that achieve the FMP's objectives with minimum cost and burdens on society. NOAA believes that particular care should be taken when considering management of common property resources—where intensive individual market actions risk the "tragedy of the commons," a concept that comprises damage not only to the individual fisherman, but to the very resource on which he depends. Where there are no property rights, the role of government takes on
the dimension of stewardship. NOAA
believes that managing at least cost to
ty and managing at least cost to the f
man are not mutually exclusive. N
reads standards 5 and 7 together; to
mize costs of regulating also means to
mize costs to the industry of complianc

The guidelines also recognize the dif
ty inherent in reconciling particular
nomic and social needs of industry p
pants and consumers with this goal o
ciency. For example, maximizing em
ment opportunities by allowing cont
overcapitalization instead of reducing
might be considered inefficient in ter
an economic goal, but not necessar
terms of a social goal. Or, when it is
sary to preserve a subsistence way of l
enjoyment of recreational fishing, ap
tion of the efficiency standard may n
appropriate. Councils thus may ha
choose between—or rank—competing
tives.

NOAA believes that an FMP shoul
restrict the use of productive and cost-
tive techniques of harvesting, process
marketing, unless such restriction is
sary to achieve the conservation or
objectives of the FMP. For example, th
cific salmon FMP provides for use of a
less hook to decrease mortality of sub
coho and chinook. The high seas sa
FMP requires heads on" landing for
clipped coho and chinook to insure rec
of coded wire tags used to establi
needed distribution data base. In both
reduction in efficiency was outweighe
the conservation benefit.

Administrative efficiency can be a f
in choosing between management regi
ternatives, as well. The Gulf of M
shrimp FMP's cooperative Texas clo
for example, increased the effectivenes
efficiency of enforcement.

NOAA chose to address the question
rounding "limited access" in the conte
standard 5 rather than in standard 4,
though limited access, by its nature, is
locative measure. In fact, the guideline
tion that any limited access system mu
consistent with section 303(b)(6) of th
and the standard 4 guidelines. NOA
lieves that placement within standa
puts the emphasis more appropriate
concepts of economic efficiency in achi
OY rather than on the contentious issu
right of entry, or limit on effort, per se.
placing of limited access within the s
ard 5 context does not imply, however,
efficiency is always attained by li
access, nor that limited access is the
desirable method of attaining effici
nor that efficiency is the only purpos
limited access, nor that limited entry
always resulted in the benefits listed i
guidelines.

STANDARD 6

NOAA recognizes that each fishery exhibits its unique uncertainties, and that the unpredictable nature of the fishery resource caused by vulnerability to changing conditions and unforeseeable events makes long-term planning difficult. Long-term objectives are more easily attainable in the more stable fisheries. The guidelines clarify that it is possible to compensate for variations by establishing buffers; protection against contingencies is urged through use of flexibility in the regulatory process.

STANDARD 7

The principles of standard 7 coincide with many earnest and recently intense efforts of NOAA and the Councils to streamline the FMP process. As more FMPs have come on line, the costs of enforcement and of collecting data for monitoring, while reduced per FMP, have increased in total. The rising costs of fishing, due in part to dependence on petroleum-based products, has intensified the need to consider the impact of potentially burdensome regulations. Thus, it has become necessary to be more precise in evaluating the costs to industry and to government, to support comprehensive management, and to work toward a flexible regulatory structure.

NOAA believes that the requirements of E.O. 12291 and other regulatory reform legislation quite appropriately focus attention on the threshold question of the actual need for management through regulation. Even when a Council believes there is an advantage to managing a fishery, growing public concern over excessive Federal regulation of private activities and over the need to reduce the cost of government emphasizes the responsibility to ensure that FMPs are developed only for those fisheries where the need for Federal regulation can be clearly demonstrated. For these reasons, the guidelines propose criteria to assist in making these threshold decisions.

NOAA recognizes that the wide diversity of fisheries and of management objectives increases the difficulties of devising a quantitative cost/benefit analysis for fishery management measures. However, under the guidelines, the types of analyses suggested under standards 4 and 5 would be the first steps in evaluating relative distribution of gains and burdens produced by each alternative set of management measures. While weight of intangibles such as recreational enjoyment, habitat protection, or social dislocation often cannot be expressed in dollar terms, NOAA believes they should be considered and described as explicitly as possible.

[54 FR 30833, July 24, 1939, as amended at 54 FR 31529, July 31, 1989]

PART 603—CONFIDENTIALITY OF STATISTICS

Sec.

603.1 Purpose.
603.2 Definitions.
603.3 Types of statistics covered.
603.4 Collection and maintenance of statistics.
603.5 Access to statistics.
603.6 Control system.
603.7 Release of statistics.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 1853(d).

SOURCE: 55 FR 31602, Aug. 3, 1990, unless otherwise noted.

§ 603.1 Purpose.

The purpose of this part is to prescribe procedures to protect the confidentiality of statistics required by the Secretary under a PMP or an FMP.

§ 603.2 Definitions.

In addition to the definitions in the Magnuson Act and in part 601 of this chapter, the terms in this part have the following meanings:

Aggregate or summary form means confidential data structured in such a way that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data under § 603.5(a).

Confidential statistics are those submitted as a requirement of a PMP or FMP and that reveal the business or identity of the submitter.

Data, statistics, and information are used interchangeably.

FMP means a fishery management plan developed under the Magnuson Act.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

NMFS means the National Marine Fisheries Service.

NOAA means the National Oceanic and Atmospheric Administration.

PMP means a preliminary fishery management plan developed under the Magnuson Act.

§ 603.3 Types of statistics covered.

This part applies to all pertinent data required to be submitted to the Secretary with respect to any PMP or FMP including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing occurred, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, U.S. fish processors.

§ 603.4 Collection and maintenance of statistics.

(a) *General.* (1) All statistics required to be submitted to the Secretary are provided to the Assistant Administrator.

(2) After receipt, the Assistant Administrator will delete all identifying particulars from the statistics if doing so is consistent with the needs of NMFS and good scientific practice.

(3) Appropriate safeguards as specified by NOAA Directives, or other NOAA or NMFS internal procedures, apply to the collection and maintenance of all statistics, whether separated from identifying particulars or not, so as to ensure their confidentiality.

(b) *Collection agreements with states.* (1) The Assistant Administrator may enter into an agreement with a state authorizing the state to collect statistics on behalf of the Secretary.

(2) NMFS will not enter into a cooperative collection agreement with a state unless the state has authority to protect the statistics from disclosure in a manner at least as protective as these regulations.

§ 603.5 Access to statistics.

(a) *Federal employees.* Statistics submitted as a requirement of a PMP or FMP and that reveal the identity of the submitter will only be accessible to the following:

(1) Personnel within NMFS responsible for the collection, processing, and storage of the statistics;

(2) Federal employees who are responsible for PMP or FMP development, monitoring, and enforcement;

(3) Personnel within NMFS performing research that requires confidential statistics;

(4) Other NOAA personnel on a demonstrable need-to-know basis; and

(5) NOAA/NMFS contractors or grantees who require access to confidential statistics to perform functions authorized by a Federal contract or grant.

(b) *State personnel.* Confidential statistics will only be accessible if:

(1) The state has independent legal authority to collect the same statistics on its own behalf (whether the state or NOAA/NMFS actually collects the data); and

(2) The state has entered into a cooperative data collection agreement with the Assistant Administrator.

(c) *Regional Fishery Management Council employees.* Access to confidential data will only be granted to Council employees who are responsible for PMP or FMP development and monitoring.

(d) *Prohibitions.* Persons having access to these data are prohibited from unauthorized use or disclosure, and are subject to the provisions of 18 U.S.C. 1905, 16 U.S.C. 1857, and NOAA/NMFS internal procedures, including NOAA Directive 88-30.

§ 603.6 Control system.

(a) The Assistant Administrator maintains a control system to protect the identity of submitters of statistics required by a PMP or FMP. The control system:

(1) Identifies those persons who have access to the statistics;

(2) Contains procedures to limit access to confidential data to authorized users; and

(3) Provides for safeguarding the data.

(b) This system requires that all persons who have authorized access to the data be informed of the confidentiality of the data. These persons are required to sign a statement that they:

(1) Have been informed that the data are confidential; and

(2) Have reviewed and are familiar with the procedures to protect confidential statistics.

§ 603.7 Release of statistics.

(a) The Assistant Administrator will not release to the public any statistics required to be submitted under a PMP or FMP in a form that would identify the submitter, except as required by court order. Release as required by court order will be made only after approval of the NOAA Office of General Counsel.

(b) All requests from the public for statistics submitted in response to a requirement of a PMP or FMP will be processed consistent with the NOAA Freedom of Information Act (FOIA) regulations (15 CFR part 903), NOAA Directives Manual 21-25, Department of Commerce Administrative Orders 205-12 and 205-14 and 15 CFR part 4.

PART 604—OTHER APPLICABLE LAW

Sec.
604.1 Purpose and scope.
604.2 Categories.
604.3 Administrative operations and employment practices.
604.4 The decision process.
604.5 Uses of oceans and coastline.

Authority: 16 U.S.C. 1801 *et seq.*

Source: 54 FR 1710, Jan. 17, 1989, unless otherwise noted.

§ 604.1 Purpose and scope.

(a) This part sets forth abbreviated summaries of other law applicable to the FMP process. (Regulations or agency directives specific to each law apply.)

(b) Definitions. The definitions, word usage, and abbreviations set forth in part 600 apply within this part.

§ 604.2 Categories.

Section 304(a)(1)(B) of the Magnuson Act, 16 U.S.C. 1854(a)(1)(B), requires that each FMP or amendment be reviewed for consistency with the national standards, the other provisions of the Magnuson Act and other applicable law. The list of laws affecting the Councils and their operations are grouped, for ease of description, into three general categories: those dealing with administrative operations and employment practices; those dealing with the fishery management decision process; and those dealing with other uses of the oceans and coastline. More detailed guidance is cited throughout this part and also appears in the NMFS *Operational Guidelines.*

§ 604.3 Administrative operations and employment practices.

Statutes in this category apply, in part, to Council staff, Council members, and members of Council advisory groups. These statutes include the Federal Tort Claims Act, 28 U.S.C. 1291, 1346, 1402, 2401, 2402, 2411, 2412, 2671-80; the Fair Labor Standards Act, 29 U.S.C. 201; the anti-lobbying statute, 18 U.S.C. 1913; the Trade Secrets Act, 18 U.S.C. 1905; the bribery and conflict of interest statutes, 18 U.S.C. 201, 203, 205, 207, 208, 209, 210, and 211; Workmen's Compensation, 5 U.S.C. 8101 *et seq.;* and Unemployment Compensation, 5 U.S.C. 8501 *et seq.* Applicability of these statutes is detailed in part 601, subpart D, and part 605, subpart C.

§ 604.4 The decision process.

This category of laws applies to the fishery management decision process, and requires consideration of environmental, paperwork, and/or economic and social impacts, or establishes rules of procedure for public participation or access. These statutes include the Administrative Procedure Act (APA), 5 U.S.C. 551-553; the National Environmental Policy Act (NEPA), 42 U.S.C. 4321; the Paperwork Reduction Act (PRA), 49 U.S.C. 3501; and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601. Procedures under these statutes and under Executive Orders (E.O.) 12291, 12612, and 12630 are described as follows:

(a) *Administrative Procedure Act (APA).* Sections of the APA (5 USC 551-553) establish procedural requirements applicable to decisionmaking of Federal agencies. The purpose is to ensure public access to the rulemaking process, protect the rights of individuals under the Privacy Act and make available to the public information requested under the Freedom of Information Act. The effect on the Magnuson Act process is: to require a minimum 15- to 30-day public comment period for proposed rules and a 30-day delayed effectiveness date for final rules, with justification possible for waiving or shortening both; to require the Council to maintain security of personal records of Council members, employees, consultants under contract, and advisory group members; and to require NOAA to respond to requests for information under specified criteria for denial and time limits. Required procedures under these statutes are detailed in §§ 605.25 and 605.27.

(b) *E.O. 12291.* This Executive Order (E.O.) applies to the proposal, issuance, and review of rules, and the development of legislative proposals concerning regulations. The E.O. requires that: regulatory objectives and priorities be established with the aim of maximizing net benefits to society; rules be developed with a cost/benefit approach when possible; the chosen regulatory approach or alternative be the one with the least net cost to society; regulatory action not be undertaken unless the potential benefits outweigh the potential costs to society; and administrative decisions be based on adequate information concerning the need for and consequences of the proposed government action. The E.O. also requires that a semi-annual regulatory agenda be prepared. The effect on the Magnuson Act process is to require all rules to be reviewed by OMB unless covered by specific exemption, and to require a Regulatory Impact Analysis if the rule is "major". A prior determination is made by the Secretary or his designee as to whether the rule is major or nonmajor and whether the rule complies with the above requirements based on a Regulatory Impact Review.

(c) *National Environmental Policy Act (NEPA).* NEPA requires that the effects of Federal activities on the environment be assessed. NEPA's purpose is to ensure that Federal officials weigh and give appropriate consideration in policy formulation decision-making, and administrative actions to environmental values and ecological, economic and social benefits and costs and that the public is provided adequate opportunity to review and comment on the impact of major Federal actions. NEPA requires preparation of an Environmental Impact Statement
(EIS) for major Federal actions
significantly affect the quality o
human environment. NEPA's effe
the Magnuson Act process is th
draft EIS, or environmental as
ment for a finding of no signif
impact, must be prepared. NEPA
cedures are detailed in NOAA D
tives Manual (NDM) 02-10.

(d) *Paperwork Reduction Act (F*
The PRA requires agencies to r
mize paperwork and reporting bur
whenever collecting information
the public. PRA's effect on the
nuson Act process is that if an
requires any form of information
lection from the public, that colle
must receive OMB approval. To o
OMB approval, a written justifica
must be submitted. In addition, fo
Council input is needed each S
when the overall NMFS informa
collection budget request is form
ed for submission to OMB. Proced
under the PRA are detailed in
59-11.

(e) *Regulatory Flexibility Act (*
The RFA establishes the prin
that where Federal regulation is
essary, the regulation should be
lored to the regulated entity's size
capacity to bear the regula
burden. RFA's effect on the Magn
Act process is to require a deter
tion of whether a proposed ru
likely to have a significant econ
impact on a substantial numbe
small entities. If the determinati
affirmative, initial and final re
tory flexibility analyses must be
pared to accompany the proposed
final rules respectively. If the dete
nation is negative, the DOC Ge
Counsel so certifies to the Small
ness Administration. These ana
must consider the benefits and cos
compliance, with particular emp
on the effects of the rule on the
petitive position, cash flow and liq
ty, and ability of the small entit
remain in the market. The RFA
requires a projection of reporting
record-keeping requirements.

(f) *E.O. 12612.* This E.O. require
ecutive departments and agencie
formulating and implementing po
that have federalism implication
cluding proposed regulations), t
guided by federalism principles

criteria. Federalism principles and criteria involve close consultation with the States in any actions which have substantial direct effects on the States or on the distribution of power and responsibility between and among the levels of government. The Secretary or his designee determines which proposed policies have sufficient implications to warrant preparation of a Federalism Assessment. The effect on the Magnuson Act process is to require the Councils to identify federalism issues before submitting management programs to the Secretary for approval. Any principal State official opposed to adoption of an FMP or amendment may file a dissenting report explaining the nature of the State's objection and its relation to the policies of the executive order. (See § 605.24(a)(3)(iv).)

(g) *E.O. 12630.* This E.O. requires that each Federal agency prepare a Takings Implication Assessment (TIA) for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use or value of any real or personal private property. These policies include regulations that propose or implement licensing or permitting requirements, conditions, or restrictions otherwise imposed by an agency on the use of private property, and actions relating to, or causing the physical occupancy or invasion of, private property. DOC is developing procedures to implement the requirements of this E.O.; these regulations will be appropriately amended to implement the DOC procedures when they become available.

§ 604.5 Uses of oceans and coastline.

This category of laws also applies to the fishery management process, and deals with the competing uses of the ocean, the protection of certain living marine resources and their habitats, and the management of the nation's coastal areas. These statutes include the Coastal Zone Management Act (CZMA), 16 U.S.C. 1451; the Endangered Species Act (ESA), 16 U.S.C. 1531; the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1361; and Title III of the Marine Protection, Research and Sanctuaries Act (MPRSA), 16 U.S.C. 1431. Procedures under these statutes are described as follows:

(a) *Coastal Zone Management Act (CZMA).* The principal objective of the CZMA is to encourage and assist States in developing coastal zone management programs, to coordinate State activities, and to safeguard the regional and national interests in the coastal zone. Section 307(c) of the CZMA requires that any Federal activity directly affecting the coastal zone of a State be consistent with that State's approved coastal zone management program to the maximum extent practicable. CZMA's effect on the Magnuson Act process is to require determination that an FMP has no direct effect on the coastal zone, or is consistent with the State's approved coastal zone management program to the maximum extent practicable. Procedures under the CZMA are detailed in 15 CFR part 930.

(b) *Endangered Species Act (ESA).* The ESA provides for the conservation of endangered and threatened species of fish wildlife, and plants. The program is administered jointly by the Department of Interior (DOI), which generally has jurisdiction over terrestrial and freshwater species, and the Department of Commerce (DOC), which generally has jurisdiction over marine species. With respect to endangered or threatened sea turtles, DOC has jurisdiction while the turtles are in the water and DOI while the turtles are on land. Conflicts between the ESA and Federal actions are to be resolved by a consultation process between the project agency and DOC and/or DOI, as appropriate. ESA's effect on the Magnuson Act process is to require biological assessment and consultation with NMFS or the Fish and Wildlife Service (FWS) if an FMP or amendment may affect endangered or threatened species or cause destruction or adverse modification of any designated critical habitat. The consultation must conclude that there is no likelihood of jeopardy to any listed species, or, if jeopardy exists, reasonable and prudent alternatives approved by NMFS or FWS must be adopted before the FMP can be approved.

(c) *Marine Mammal Protection Act (MMPA).* The MMPA establishes a moratorium on the taking of marine mammals and a ban on the importation of marine mammal products with certain exceptions. Responsibility is divided between DOC (whales, porpoises, seals, and sea lions) and DOI (other marine mammals) to issue permits and to waive the moratorium for specified purposes, including incidental takings during commercial fishing operations. The Magnuson Act amended the MMPA to extend its jurisdiction to the EEZ. MMPA's effect on the Magnuson Act process is that if the FMP has an effect on the marine mammal population, certain information must be included in the EIS, and the FMP should indicate what authorization is needed for any incidental takings.

(d) *Marine Protection, Research and Sanctuaries Act (MPRSA).* Title III of the MPRSA authorizes the Secretary to designate as marine sanctuaries areas of the marine environment that have been identified as having special national significance due to their resource or human-use values. The Marine Sanctuaries Amendments of 1984 amend this Title to include, as consultative agencies in determining whether the proposal meets the sanctuary designation standards, the Councils affected by the proposed designation. The Amendments also authorize the Council affected to prepare draft regulations for the Secretary's approval, consistent with the Magnuson Act national standards and the goals and objectives of the proposed designation, for fishing within the EEZ as it may deem necessary to implement a proposed designation.

PART 605—GUIDELINES FOR COUNCIL OPERATIONS/ADMINISTRATION

Subpart A—General

Sec.

605.1 Purpose and scope.

Subpart B—Operations

605.11 General.
605.12 Use of available expertise.
605.13 Planning.
605.14 Fishery management objectives.

Sec.
605.15 Establishment of managemen measures.

Subpart C—Administration

605.21 Council Statement of Organizatio Practices, and Procedures (SOPP).
605.22 SOPP checklist.
605.23 Council organization.
605.24 Council meetings and hearings.
605.25 Employment practices.
605.26 Financial management.
605.27 Recordkeeping.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 54 FR 1712, Jan. 17, 1989, unles otherwise noted.

Subpart A—General

§ 605.1 Purpose and scope.

(a) This part sets forth guideline for the development of fishery man agement plans and for the organiz tion, practices, and procedures of th Councils.

(b) The definitions, word usage, an abbreviations set forth in part 60 apply within this part.

Subpart B—Operations

§ 605.11 General.

The primary functions of eac Council are to develop, monitor, an evaluate FMPs, and propose amen ments and associated regulations f each fishery that requires conserv tion and management within its ge graphical area of authority. The fo lowing describes the Councils' and t Secretary's roles and responsibilit and sets out key activities necessary produce FMPs, amendments, a annual specifications acceptable f review by the Secretary. It is design to—

(a) Bring to bear the necessary pertise on all aspects of the process;

(b) Be responsive to other applica law, the public interest, and shifts Council priorities and objectives; an

(c) Ensure the quality, relevance, liability, and independence of scie in the management process.

§ 605.12 Use of available expertise.

Councils should use all available pertise as necessary and appropriat carrying out their functions. This includes experts within NOAA, at State and academic institutions, Scientific and Statistical Committees (SSCs), Advisory Panels (APs), plan teams, and/or other working groups established to assist in the processes described below.

§ 605.13 Planning.

(a) *General.* Councils must establish procedures for identifying, on a continuing basis, fishery management issues and needs. The procedures established must ensure consideration of, and responsiveness to, the Stock Assessment and Fishery Evaluation (SAFE) report, economic and social impact analyses, enforcement experience, public perceptions and proposals, management priorities and long-term management goals and objectives. In its planning process, the Councils should define the FMU, determine the need for management, identify data and information needs, examine the range of issues to be addressed, propose management objectives, and schedule future actions.

(b) *Data Collection Program (DCP).* (1) The Magnuson Act authorizes collection of information and data which would be beneficial in determining whether an FMP is needed for a fishery or in preparing an FMP. Councils may request that the Secretary implement a DCP for a fishery which would provide the types of information and data specified by the Councils. If the need for data is justified for conservation and management and approved by OMB under the Paperwork Reduction Act, the Secretary will approve such a DCP and issue proposed regulations to implement the program within 60 days and establish an estimated date of availability of the data. If the Secretary determines the need for a DCP is not justified, the Council must be informed in writing of the reason(s) for the determination within 60 days.

(2) NOAA is authorized under the Magnuson Act and other statutes to collect proprietary or confidential commercial or financial information and provide nonconfidential aggregations of such data to fulfill a Council's request. Information and data that would disclose proprietary or confidential commercial or financial information regarding individual fishing operators or fish processing operations would not be provided to the Council except as provided in § 601.27 and part 603.

§ 605.14 Fishery management objectives.

Each FMP and amendment, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to achieve, i.e., the management objectives to be attained in regulating the fishery under consideration. (See § 602.10, national standard guidelines, which sets out the role of objectives in the development and review process.)

§ 605.15 Establishment of management measures.

(a) The council develops management measures to achieve optimum yield (OY) and the management objectives of the Council. The Council must propose management measures that are consistent with the national standards, other sections of the Magnuson Act, and other applicable law. The Council must prepare draft regulations that implement the management measures for submission to the Secretary with the FMP or amendment. Supporting documents required by other applicable law (see part 604) must accompany the Council submission. Procedural details may be found in the NMFS *Operational Guidelines.*

(b) Prior to the Council's adoption of the management measures:

(1) The Council must prepare an analysis of the economic and social effects of alternate management measures and their effectiveness in achieving the objectives in the FMP. The analysis must discuss the need for Federal action, and the benefits and costs of each alternative, and the effects on small entities and fishery-dependent communities. The analysis must include a conclusion concerning the expected net economic and social benefits to be achieved by each alternative management measure or system. To the extent such net benefits cannot be quantitative, qualitative estimates must be provided.

(2) The SSC must advise the Council on the adequacy of all support analyses and whether they are based on the best scientific information available, and on the efficacy of proposed management measures.

(3) NOAA and the Coast Guard, upon request of a Council, must provide written comments within 60 days pertaining to the feasibility and cost of alternatives relative to enforcement and on vessel safety implications of the management measures.

(4) The Council may solicit comment from the AP, and any other interested group or individual concerning the effects and probable effectiveness of the proposed alternatives.

Subpart C—Administration

§ 605.21 Council Statement of Organization, Practices, and Procedures (SOPP).

Council SOPPs required under § 601.22 must, at a minimum, implement the standards outlined below in this subpart. As appropriate, these sections may be incorporated by reference. Councils should also include in their SOPPs a time limit within which they will submit a minority report under § 605.24(a)(3)(iv); specify an appropriate deposit, if applicable, to be made to an employee's retirement fund for unused sick leave up to an explicit maximum number of days and contribution per day; and implement § 601.27 on protection of confidentiality of statistics. In addition, they may wish to include selected regulatory sections from parts 601 and 604, as circumstances warrant.

§ 605.22 SOPP checklist.

The following is an outline/checklist of the sections in subpart C for use in developing each Council's SOPP:

§ 605.23 Council organization.

(a) Officers and terms of office.
(b) Designees.
(c) Designation of Regional Directors.
(d) Advisory groups.
(e) Working groups.
(f) Committees.

§ 605.24 Council meetings and hearings.

(a) Meetings.
(1) General.
(2) Notice.
(3) Conduct.
(4) Record.
(5) Closed meetings.
(6) Frequency and duration.
(7) Location.
(b) Hearings.
(1) General.
(2) Notice.
(3) Conduct.
(4) Record.

§ 605.25 Employment practices.

(a) Staffing.
(b) Experts/consultants.
(c) Details.
(d) Personnel actions.
(e) Salary/wage.
(f) Recruitment.
(g) Leave.
(h) Employee benefits.
(i) Travel reimbursement.
(j) Foreign travel.

§ 605.26 Financial management.

(a) Cooperative agreements.
(b) Procurement.
(c) Property management.
(d) Space management.
(e) Accounting system.
(f) Audits.
(g) Financial reports.

§ 605.27 Recordkeeping.

(a) Administrative records of FMPs.
(b) Disposition of records.
(c) Permanent records.
(d) Privacy Act.
(e) Freedom of Information Act.

§ 605.23 Council organization.

(a) *Officer and terms of office.* The Chair must be elected from among the voting members by a majority vote of the voting members present and voting. The term of office for the Chair may not exceed one year; however, the Chair may be eligible for reelection as set forth in the Council's SOPP. The Council may establish other officers as deemed necessary and set their terms of office.

(b) *Designees.* (1) The Magnuson Act authorizes only the principal State officials, the Regional Directors, and the nonvoting members to designate individuals to attend Council meetings in their absence. The Chair of the Council must be notified in writing, in advance of any meeting at which a designee will initially represent the Council member, the name, address, and position of the individual designated. A designee may not name another designee. However, such officials may submit to the Chair, in advance, a list of several individuals who may act as designee, provided that the list designates who would serve if more than one designee is in attendance.

(2) Reimbursement of travel expenses to any meeting must be limited to the member, or, in the case of the absence of the member, one designee—in any case, one person.

(c) *Designation of Regional Directors.* The Regional Directors serve as voting members, on the Councils as follows:

Council	Regional director
New England	Northeast Region
Mid-Atlantic	Northeast Region
South Atlantic	Southeast Region
Caribbean	Southeast Region
Gulf of Mexico	Southeast Region
Pacific	Northwest/Southwest Region [1]
North Pacific	Alaska Region
Western Pacific	Southwest Region

[1] The Southwest Regional Director is the NMFS spokesman on the Council and votes on fishery matters primarily or exclusively off California. The Northwest Regional Director is the spokesman and votes on fishery matters primarily or exclusively off Oregon and Washington.

(d) *Advisory groups.* Each Council must establish a Scientific and Statistical Committee (SSC) and may establish such other Advisory Panels (APs) as necessary or appropriate to assist it in carrying out its functions. Size is discretionary within the resources budgeted to the particular Council. Each Council must specify procedures in its SOPP for continuing involvement of its advisory groups in the development of amendment of FMPs. Procedures for appointing members of these groups should also be specified in the SOPPs.

(1) *Scientific and Statistical Committee (SSC).* The SSC provides expert scientific and technical advice to the Council on the development of fishery management objectives and strategies, the scientific information supporting preparation of FMPs the appropriateness of the ABC and OY levels, the adequacy of the regulatory analysis, and the effectiveness of FMPs once in operation. In providing this advice, the SSC assists the Council in identifying the need for research and data collection and the scientific resources available, and in establishing criteria for framework actions. Membership must be multidisciplinary, and should include biological and social scientists from the Federal and State governments, and private scientific community who are knowledgeable about the fisheries to be managed.

(2) *Advisory Panel (AP).* The AP provides pragmatic advice from individuals most affected by, or interested in, Council matters of fishery management. A balanced representation should be maintained of those who are either actually engaged in harvesting, processing, marketing, or consuming fish, or knowledgeable and interested in the conservation and management of the fisheries within the Council's jurisdiction. With respect to each FMP or amendment under consideration by the Council, the AP should provide advice concerning the recommended OY, the management measures and allocations under consideration, the supporting documentation to any regulatory action, management objectives, and any other subject, as required by the Council.

(e) *Working groups.* Fishery management planning and development of FMPs may be performed by various types of working groups, under the direction of the Council. For example, the Council may establish a Plan Team to assess the need for management, assemble information, conduct and evaluate analyses, evaluate public/industry proposals and comments, and estimate the costs of plan development, implementation, and monitoring. In addition, Councils may use *ad hoc* groups to address resource user conflicts or other issues.

(f) *Committees.* The Council may appoint standing and *ad hoc* committees from among the voting and nonvoting members as it deems necessary for the conduct of Council business.

§ 605.24 Council meetings and hearings.

In fulfilling the Council's responsibilities and functions, the Council members may meet in plenary session, in working groups, or individually to hear statements in order to clarify issues, gather information, or make decisions regarding material before them. To provide for review and decision by the Secretary, recommendations of each of these groups must be documented and available. The documentation must include, at a minimum, a statement of the problem, recommendations for corrective action, likely impact on the affected resource, and likely impact on affected user groups.

(a) *Meetings*—(1) *General.* The Councils meet in plenary session at the call of the Chair or upon request of a majority of the voting members. Advisory groups may meet with the approval of the Chair. Emergency meetings may be held at the call of the Chair or equivalent presiding officer.

(2) *Notice.* With respect to the conduct of business at meetings of a Council, and of the scientific and statistical committee and advisory panels of a Council, timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, must be published in local newspapers in the major fishing ports of the Council's region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity. Timely notice of each regular meeting must also be published in the FEDERAL REGISTER.

(3) *Conduct of meetings.* (i) All meetings of the Council advisory and working groups must be open, unless closed in accordance with paragraph (a)(5) of this section. Interested persons will be permitted to present oral or written statements regarding the matters on the agenda at regular meetings of the Council, within reasonable limits established by the Chair. A vote is required for Council approval or amendment of a fishery management plan (including any proposed regulations), a Council finding that an emergency exists involving any fishery, or Council comments to the Secretary on fishery management plans developed by the Secretary.

(ii) A majority of the voting members of any Council constitutes a quorum for Council meetings, but one or more such members designated by the Council may hold hearings.

(iii) Decisions of any Council are by majority vote of the voting members present and voting (except for proposed removal of Council members, see § 601.36). Voting by proxy is not permitted except as allowed under § 605.23(b). An abstention does not affect the unanimity of a vote.

(iv) Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary, including principal State officials raising federalism issues, may submit a written statement of their reasons for dissent. If any Council member elects to file a minority report, it should be submitted at the same time as that of the majority.

(4) *Record.* (i) Minutes of each meeting must be kept and must contain a record of the persons present, an accurate discription of matters discussed and conclusions reached, and copies of all statements filed.

(ii) Subject to the procedures established by the Council under § 601.27, and the regulations prescribed by the Secretary under part 603 relating to confidentiality, the administrative record (including minutes required under paragraph (a)(4)(i) of this section) of each meeting, and records or other documents which were made available to or prepared for or by the Council, SSC, or APs incident to the meeting, must be available for public inspection and copying at a single location in the offices of the Council.

(5) *Closed meetings.* (i) Each Council, SSC, and AP:

(A) Must close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and

(B) May close any meeting, or portion thereof, that concerns matters or information that pertains to unclassified national security matters, employment matters, or briefings on litigation in which the Council is interested.

(ii) Closed meetings must be announced in the news media.

(6) *Frequency.* Each Council must meet in plenary session at least once every six months. Council advisory groups may meet as frequently as nec-

ssary, with the approval of the Counil Chair.

(7) *Location.* (i) Each Council must onduct all meetings within its georaphical area of concern, but may old joint meetings within any of heir constituent states for the purose of discussing issues of mutual oncern. In the particular case of Council meetings of the North Pacific Council, *geographical area of concern* neans within the State of Alaska. When two or more Councils have been lesignated by the Secretary to prepare n FMP jointly, Councils so designatd may meet jointly within any of heir constituent States for the purose of developing or amending such n FMP.

(ii) The Council meeting place hould have a capacity large enough o accommodate the anticipated public ttendance and be accessible to those nterested in attending, including conideration of the cost of transportaion and lodging.

(b) *Hearings*—(1) *General.* The Maguson Act directs the Councils to hold ublic hearings, at appropriate times nd in appropriate locations in the eographical area concerned, to proide the opportunity for all interested ersons to be heard in the developnent of FMPs and amendments, and vith respect to the administration and mplementation of the Magnuson Act. The term *geographical area of conern*, for purposes of holding hearings, nay include an area under the authority of another Council if the fish in he fishery concerned migrate into, or ccur in, that area or if the matters eing heard affect fishermen of that rea; but not unless such other Counil is first consulted regarding the conluct of such hearings within its area.

(2) *Notice.* Hearings must follow the ame procedures for announcement as or Council and advisory group meetngs. Timely public notice also should e given to the local media where the earing is to take place. Publicity hould be sufficient in time, substance, nd area coverage to assure that all inerested parties are aware of the opportunity to make their views known.

(3) *Conduct of hearings.* When it is etermined that a hearing is appropriate, the Chair of the Council must designate at least one voting member of the Council to officiate. All points of view must be given a reasonable opportunity to be heard.

(4) *Record.* An accurate and timely report of the participants and their views must be provided in writing to the Council and maintained as a part of the Council's official records.

§ 605.25 Employment practices.

The following sets forth the responsibilities of the Councils with regard to personnel matters and establishes personnel-related standards. Council members (except for Federal government officials) and staff are not Federal employees subject to Office of Personnel Management (OPM) regulations.

(a) *Staffing.* Each Council may appoint and assign duties to an Executive Director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of Council functions consistent with budgetary limitations. The Executive Director is responsible to the Council, and the staff is responsible to the Executive Director. Each position must be justified during the budget process described in OMB Circular A-110, or prior to filling a new position established during the course of the cooperative agreement year. Descriptions of the work to be performed must be submitted.

(1) Council staff positions must be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions must be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

(2) No employee of the Council may be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Magnuson Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, State, county, or municipal election, or on account of his or her political affiliation.

(3) In conducting official Council business, Council members and staff

generally have the same protection from individual tort liability as Federal employees on official actions, and are protected by the Federal workmen's compensation statute, by the minimum wage/maximum hour provisions of the Fair Labor Standards Act (FLSA), and by the rights of access and confidentiality provisions of the Privacy Act (PA).

(4) Council staff are eligible also for unemployment compensation in the same manner as Federal employees.

(b) *Experts and consultants.* As long as funding is available in its budget, each Council may contract with experts and consultants as needed to provide technical assistance not available from NOAA. This includes legal assistance in clarifying issues, but Councils must notify the NOAA Office of General Counsel before seeking outside legal advice. A Council may not contract for the provision of legal services on a continuing basis.

(c) *Details of Government employees.* All Federal agencies are authorized by section 302(f)(2) of the Magnuson Act, 16 U.S.C. 1852(f)(6), to detail personnel to the Council on a reimbursable basis to assist the Council in the performance of its functions. Nonreimbursable details are not precluded. Council requests to the heads of such agencies must contain the purpose of the detail, length of time, compensation to be paid, if any, and the stipulation that the Assistant Administrator be consulted prior to granting the request. Copies of this correspondence will be transmitted to the Assistant Administrator through the servicing Regional Office. Federal employees so detailed retain all benefits, rights, and status as they are entitled to in their regular employment. The Councils may negotiate arrangements with State or local governments to utilize employees of those governments. Assistance in arranging these details may be obtained through the servicing Regional Office.

(d) *Personnel actions.* Subject to these instructions, and within budgetary limits, the Councils may establish positions, recruit, hire, compensate and dismiss personnel. Dismissal will be made for misconduct, unsatisfactory performance, and/or lack of funds, with reasonable notice to the employee.

(e) *Salary and wage administration.* (1) In setting rates of pay for Council staff, the principle of equal pay for equal work must be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

(2) A cost of living allowance may be applied to the salaries of Council members and staff whose post of duty is in one of the following areas: Alaska, Hawaii, Guam, Virgin Islands, the Northern Mariana Islands, and Puerto Rico. Members from American Samoa will receive post differential. The rate of cost of living allowance may not exceed that paid by the Federal Government in the same area. The current rates may be obtained from the applicable NOAA field unit.

(3) The duties of any new position must be contained in a brief description to be submitted to the Regional Office assigned to a Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position and a determination of the applicability of the Fair Labor Standards Act. The Council then may fill the position at any salary level within that range; the policy of hiring at the beginning rate should be followed except in unusual cases when recruitment of an exceptionally qualified employee is hampered thereby. The annual pay for any staff position may not exceed the current rate for the top step of grade 15 of the Federal General Schedule at any time.

(f) *Recruitment.* All personnel vacancies should be filled on a competitive basis, unless unusual circumstances clearly dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA through the servicing Regional Office or any other recruitment tool, including newspapers and local employment agencies.

(g) *Leave.* Council employees should be granted paid leave for holidays, vacations or exigencies, sickness, and civil duties (e.g., jury duty, military reserve obligations) as determined by the Council. Councils should inform employees that leave is not transferable to or from Federal agencies. Leave is subject to the following limitations:

(1) *Annual leave.* Full-time Council employees may accrue annual leave at rates not to exceed those for Federal employees. Part-time employees accrue leave at the same rate, per hours worked.

(i)(A) Up to three years of service—maximum of 2 hours leave per 40 hours (13 days per year);

(B) Three to 15 years—maximum of 3 hours per 40 hours (20 days per year); and

(C) Over 15 years: maximum of 4 hours per 40 hours (26 days per year).

(ii) If the Council so desires, it may credit prior Federal, State, or local government service for the purpose of determining leave accrual of individual employees. Application of such a policy must be uniform and public.

(iii) Employees may carry over up to 240 hours (30 days) unused annual leave from one year to the next. Amounts remaining above 240 hours will be forfeited. Employees who were authorized to carry over more than 240 hours in accordance with Council SOPPs prior to the effective date of these guidelines may continue under such policy. Under certain conditions, forfeited annual leave may be restored if it was properly scheduled for use and circumstances beyond the employee's control caused the forfeiture. Approval for this restoration must be obtained from the Council Chair or his/her designee, who will refer to the NOAA Personnel Regulations and other source documents for guidance. Lump sum reimbursements not to exceed 240 hours carryover plus current year earnings of unused leave are authorized upon employee separation. (Councils should neither budget nor account separately for anticipated or accrued leave costs payable upon employee separation. Should such costs arise and exceed Council funding availability, NOAA will defray these costs in total.)

(2) *Sick leave.* (i) Full-time Council employees may accrue sick leave at the rate of two hours per week (13 days per year). Part-time employees may accrue at a percentage of the hours worked compared to 40 hours. A 20-hour-a-week employee would accrue half the leave accrued by a 40-hour-a-week employee. Unused sick leave credit may be accumulated without limit. Lump sum payments to the employee upon separation are not authorized. However, at retirement as defined in accordance with the provisions of the Social Security Act or in the event of death of the employee, a deposit may be made to the employee's retirement fund for unused sick leave up to a maximum number of days and contribution per day as established by the Council in its SOPP.

(ii) In meritorious cases, Councils may advance up to one year's earnings of sick or annual leave when it is reasonably expected that the advanced leave will be repaid by the employee. This must be approved by the Council Chair or designee (designation must be in writing).

(h) *Employee benefits.* Employee benefits are identified in the Council SOPP, a copy of which should be provided to each employee. The Council should provide its employees the opportunity to participate in group medical insurance, life insurance, and retirement plans, and pay a reasonable proportion of the cost of such plans. Total employee benefits may not exceed 20 percent (exclusive of FICA) of employees' gross salary, without NOAA approval.

(1) *Medical insurance.* Councils may provide group medical and dental insurance to their employees either through a commercial underwriter or through a State or local government program, if within the 20% total benefit limitation. Councils are not authorized to increase employee salaries in lieu of a medical or dental insurance plan.

(2) *Life insurance.* Councils may provide group life insurance for employees, if within the 20% total benefit limitation. An increase in salary in lieu of insurance coverage is not authorized.

(i) *Travel Reimbursement*—(1) *General.*

(i) Each Council must include travel reimbursement procedures in its SOPP.

(ii) The per diem and actual subsistence rates contained in the NOAA Travel Handbook apply.

(iii) Actual expenses include transportation by air coach, rail coach, bus or privately owned vehicle (automobile or private plane reimbursed on a per mile basis); room and meals within a reasonable limit established by the NOAA Travel Handbook; and incidental expenses such as taxi fares, parking, and telephone calls on official business.

(iv) Coach air transportation must be utilized when available. Travel via first class air must be justified on the reimbursement voucher and approved by the Council Chair or his/her authorized representative. Privately owned vehicles (POVs) may be authorized when other modes of transportation are either unavailable or inconvenient. When a POV is authorized for the convenience of the traveler, the reimbursed costs must not exceed the costs of coach air fare. Accommodations equivalent to other-than-first-class should be utilized in the unlikely event that water vessel transportation is required. When sustantial savings can be realized by utilizing rail travel, this mode of transportation should be considered when available and adequate.

(2) *Council, AP, SSC Members.* Section 302 (d) and (f) of the Magnuson Act provide that the voting menbers of each Council, the Executive Director of the Marine Fisheries Commission on each Council, the additional nonvoting member of the Pacific Council, and members of advisory groups will be reimbursed for actual expenses incurred in the performance of Council duties. They are not bound by the separate per diem limits for meals and lodging as set forth in the GSA Rules. They are subject, however, to the total reimbursement limits established by the NOAA Travel Handbook for actual expenses, and they must itemize their actual expenses up to the specified limit each day. Lodging receipts are required. The rates are included in the GSA Rules. Federal employees serving in the above capacities are subject to the reimbursement rules of their agencies.

(3) *Council staff, members of plan teams, and others.* Members of the Council staff and plan teams, invited experts, consultants, or others specifically invited, unlike those described in paragraph (i)(2) of this section, must adhere to the per diem limits or actual expense requirements set forth in the GSA Rules.

(4) *Non-NOAA team members.* Non-NOAA team members may be reimbursed for travel expenses but receive no other compensation from the Council.

(j) *Foreign travel.* (1) Foreign travel must be approved, in advance, by the Assistant Administrator for Fisheries or designee and by the Grants Officer. Requests for foreign travel approval should be submitted, in writing, at least 15 days in advance to the Assistance Administrator, through the NMFS Office of Management and Budget and the Grants Officer. Routine across-the-border travel to Mexico and Canada is exempt.

(2) Each Council should specify in its SOPP any delegation of authority to approve routine across-the-border travel which has been granted to it by NOAA.

(3) Council Chairmen or their authorized representatives may approve routine across-the-border travel to Canada or Mexico for Council members and employees within specified Federal rates.

(4) Domestic invitational travel for non-Council personnel may be approved by the Council Chairman or his/her authorized representative. Foreign invitational travel must have approved as described in paragraph (j)(1) of this section. The per diem limits or actual expense requirements described above also are applicable to no-Council personnel traveling at Council expense. Payment for NOAA personnel from Council funds is not authorized.

§ 605.26 Financial management.

The Council's administrative operations are governed by OMB Circular A-110 (Uniform Administrative Requirements for Grants and Ageements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and OMB Circular A-122 (Cost Principles for Non-Profit Organizations). A-110 prescribes standards for financial management systems, procurement, property management, financial reporting, cash depositories, and grant close-out procedures. Councils are required to comply strictly with the provisions on the Circulars and terms and conditions of the awards.

(a) *Cooperative agreements.* Councils receive funds through cooperative agreements for two basic types of expenditures: administrative (or operations) funds to cover general operating expenses, such as salaries, office space, utilities, travel, State liaison activities, etc., and programmatic (or contract) funds primarily designed to fund contracts generated by the Councils for development of FMPs (including amendments) or FMP-oriented information.

(1) *Administrative.* The funding for the administrative and technical support of Council operations is included in the budget of the Department of Commerce and, through the Department, in the budgets of NOAA and NMFS. The funding requirements for the Councils are subject to regular budgetary review procedures. Annual or biennial grants and cooperative agreements will provide such Federal funds as the Secretary determines are necessary to the performance of the functions of the Councils and consistent with budgetary limitations. Requirements for periodic reports for purposes of NOAA budgetary control are described in individual grants and cooperative agreements issued to the Councils.

(i) *Application for cooperative agreement.* (A) The Council must submit a formal application (Standard Form 424, Federal Assistance Short Form) to the appropriate Regional Director. This application includes a Budget Data Form, a Program Narrative Statement supporting the application, and a Statement of General Assurances. As backup to the Budget Data Form, each Council must prepare a Budget Summary Worksheet for three fiscal/calendar years. This Budget Data Form must reflect the amounts in lines A1 through A8 of the Worksheet. The Program Narrative Statement should describe in appropriate detail the purpose for which funds are sought, e.g., operational expenses, FMP-oriented contracts, State liaison support.

(B) Upon receiving a recommendation from the Regional Director (RD), the Assistant Administrator will review the application and transmit the application through the RD to the appropriate Grants Officer for processing. If the application is disapproved by the Assistant Administrator, the RD will be contacted and supplied with the reasons for disapproval and the criteria for resubmission.

(ii) *Accounting.* A Cash Receipts and Disbursement Journal with a monthly Summary of Accounts is required as a minimum bookkeeping system. In addition, a Statement of Income and Expenses for the Council must be prepared monthly for the Council membership. Each cash disbursement must be approved by the Council Executive Director or Administrative Officer. All checks for amounts more than $5,000 require two signatures—the Council Executive Director and another person designated by the Council. The approval authority must be included in any SOPP published after the effective date of these guidelines. When budget estimates are submitted to the Assistant Administrator, the uniform account classification titles should be used.

(iii) *Advance of funds.* A Letter of Credit will be established for each cooperative agreement. Drawdowns from the Treasury will be made at the commerical bank through electronic fund transfer from Treasury. The Council shall initiate each drawdown at approximately the same time that checks are issued by the Council in payment of Council liabilities. Drawdowns should not be made more frequently than daily or in amounts less than $5,000. These requirements are under the Department of the Treasury Circular 1075, "Withdrawal of Cash from the Treasury for Advances Under Federal Grants and Other Programs" (31 CFR part 205).

(2) *Programmatic*—(i) *Nature of request.* Councils may enter into cooperative agreements with Federal agen-

cies, State, and private institutions on matters of mutual interest which further the objectives of the Magnuson Act. Approval from the Secretary of Commerce must be obtained prior to entering into such arrangements, and each agreement must specify the nature and extent of Council participation. The Councils are not authorized to accept gifts or contributions directly. All such donations must be directed to the NOAA Administrator in accordance with applicable NOAA regulations.

(ii) *Criteria.* NOAA has established the following criteria to guide each year's decisions on programmatic funding:

(A) Proposed projects must be directly related to the formulation of an FMP, amendment, or emergency action (including data collection necessary to determine whether an FMP should be formulated); necessary to evaluate an FMP already in place; or, necessary to obtain information for use in framework FMP management actions.

(B) Proposed projects must be short-term, preferably one year or less but generally not longer than two years.

(C) Proposed projects must avoid duplication of effort and operate as cost efficiently as possible in order to maximize benefits for Federal expenditures. When a Council has identified data needs for a particular fishery, available resources from NOAA, the States, Office of Sea Grant, academic institutions, and other established sources of information should be utilized to avoid duplication of effort. If certain biological, ecological, economic, or social data is needed on a high-priority basis which cannot readily be supplied free-of-charge by NMFS or other institutions, the Councils may be authorized to contract for the information collection and analysis. The SSC of each Council should assist in identifying immediate and longer-range research and data needs.

(iii) *Procedure.* (A) Requests for programmatic funding may be submitted at the same time as the Council's administrative budget, or at other times as requested by the Assistant Administrator. Documentation should include a cover letter explaining the need for the project, how it contributes to an FMP (proposed, developing or existing), and how it meets criteria outlined in this section. An additional factor that is considered during NOAA review is documentation jointly submitted by the Regional Director and Chief Scientist stating that needed information is not available from NOAA or other sources and establishing regional priorities among the various Council requests.

(B) Competing project proposals which meet the above criteria may be funded based on an evaluation of urgency of problem to be addressed, impact of failing to fund, impact of delay in funding, and importance and size of fishery.

(C) Programmatic contract services always must be described in the context of overall Council plans in a particular programmatic area. The relationship of individual contracts to past and projected goals must be reflected in all Council applications for contract funds.

(b) *Procurement.* Draft contracts or solicitations relating to the development or monitoring of FMPs must be submitted to the RD. Proposed sole source procurements over $5,000 and purchases or leases of automated data processing (ADP) equipment must also be submitted to the RD prior to award. Solicitations will not be released, nor contracts awarded, until all substantive issues noted by the RD have been satisfactorily resolved. Proposed sole source contracts over $10,000 must be approved in writing by the Grants Officer. Final copies of all contracts awarded will be filed with the appropriate Grants Officer. The cost and financial management principles outlined in OMB Circulars A-122 and A-110 apply to all Council procurement actions.

(1) To avoid duplication of work, efforts must be made to use existing support sources (Federal, State, other Councils, etc.) before commercial sources are sought.

(2) Competition must be held for all commercial purchases over $5,000 unless the unique nature of the procurement, unforeseen time constraints, and/or substantiated overall savings (administrative plus contrac-

l) clearly dictate otherwise. All sole rce procurements above $5,000 with viduals and commercial vendors be documented and reviewed by RD as described above. Such pur ses over $10,000 must be approved the Grants Officer. Internal Coun evaluations may be made on unusu and large procurements to ensure ir legality, economy, and viability. the Council may delegate such au rization to its Executive Director Chair.

) Efforts must be made to inform ority firms of planned Council pro ements. The *Commerce Business ly* (CBD) should be considered by h Council as a means of publicizing templated contracts.

) The purchase or lease of ADP ipment by Councils and its subcon ctors requires prior approval by the . Such approval will be made only er a cost-benefit analysis (system cost, lease vs. purchase, compat ity, etc.) by the Council demon ates the economy of the proposed ion.

) Councils are authorized to pur se supplies and services from GSA ectly. Individual accounts have n set up for each Council, and in mation is available through Region Offices.

) *Property management.* A listing Federally-owned (Council) property st be submitted to the Grants Offi annually. Theft of Council proper should be reported promptly to al law enforcement personnel, in ding the FBI, the Grants Officer, l to the Regional Office. Property nagement procedures must ensure equate control and protection of uncil property at all times. Such cedures are included in Council's PP, and must include the following a minimum:

1) A perpetual inventory system for nonexpendable items, e.g., office ipment, furniture, etc.;

2) Procedures for marking such ms as Council property;

3) Provision for safeguarding sensi e items such as cameras and biologi equipment. Insurance should not obtained.

4) Procedures to be followed in dis sing of surplus items;

(5) Listing of all personnel, including consultants if appropriate, authorized to have access to Council property.

(d) *Space management.* Economy should be exercised regarding the amount and cost of space acquired. When acquiring office space, Councils may avail themselves of the following:

(1) General Services Administration leasing assistance;

(2) Regional Office assistance;

(3) Direct negotiations within the guidelines stated above.

(e) *Accounting system.* Councils must maintain a document-oriented, obligation-accounting system (with accruals, as necessary, for budget projection purposes) rather than a cash-accounting system. Actual journals and ledgers must be maintained either manually or on an automated system; in either case, however, all obligations must be clearly documented and organized in order to provide quick access and verification by professional auditors. The actual composition (chart of accounts) of the system may vary somewhat from Council to Council. As a minimum, however, the system must provide fiscal control over expenditures in line with those object classes depicted in the Council budget submission. This will allow not only timely submission of the periodic financial status reports, but will also ensure close coordination between actual spending rates and budgeted amounts so that comparisons and changes can be made at any time. All financial records must be handled in accordance with OMB Circular A-110.

(f) *Audits.* An independent audit is required at least biennially by DOC Office of the Inspector General auditors or an independent public accountant (IPA). All Councils are subject to audit by the DOC Office of the Inspector General and the General Accounting Office. The scope of the audit may include: conduct of financial operations; compliance with applicable laws and regulations; economy and efficiency of administrative procedures; and achievement of results.

(1) If an IPA is to perform the audit, the request for proposals and contract must comply with the Audit Guidelines.

(2) As part of the IPA's examination of Council records, it is requested that they comment on whether efforts have been made by the Council to include small, minority, and women-owned businesses as sources of supplies and services.

(3) In order to provide guidance or provide additional information to the auditors and the Councils on audit-related matters, it is suggested that the following NOAA personnel be invited to participate in the audit exit conference:

(i) The Grants Officer;

(ii) The Assistant Administrator's staff and/or a representative of the Regional Office;

(g) *Financial reports.* Reports are required which summarize total expenditures made and Federal funds unexpended for each award, and the status of Federal cash received. The Report of Federal Cash Transactions (Form SF-272) is required from each Council quarterly and is due to the Grants Officer no later than 30 working days after the end of the quarter. A final report is required upon completion of the grant, to be submitted within 90 days after completion of the grant. The Financial Status Report (Form SF-269) is required from each Council quarterly and is due to the Grants Officer no later than 30 working days after the end of the quarter. A final report is required 90 days following completion of the grant. Guidance for the preparation of these reports and other financial reporting procedures is contained in Attachment G of OMB Circular A-110.

§ 605.27 Recordkeeping.

(a) *Administrative records for FMPs.* (1) Councils and NMFS Headquarters, Regions and Centers collectively are responsible for maintaining records pertaining to the development of FMPs and amendments within their geographic area of authority. In the event of litigation, compilation of an administrative record for a court case will be under the direction of the NOAA General Counsel.

(2) Categories of documents which generally constitute an administrative record include the following:

(i) Council meeting agendas;

(ii) Minutes of Council meetings;

(iii) Plan Team reports, if any;

(iv) SSC reports;

(v) AP reports;

(vi) Hearing reports;

(vii) Council reports/recommendations;

(viii) Correspondence relating to the FMP;

(ix) Scoping comments;

(x) Work plan, if any;

(xi) Discussion papers, if any;

(xii) NEPA documents;

(xiii) Regulatory analyses;

(xiv) PRA justification;

(xv) Proposed regulations;

(xvi) Final regulations;

(xvii) Emergency regulations; and

(xviii) Notices of meetings (Council, SSC, AP, Team).

(b) *Disposition of records.* (1) The goal of an effective disposition program is annually to destroy at least enough unneeded records to equal the volume of records created, while preserving records having long-term or enduring value because of administrative, legal, scientific, or historical importance.

(2) Councils must consult with NOAA before destroying Council records. Financial records (including time and attendance records) should be handled according to the stipulations of OMB Circular A-110. Councils must send records associated with FMPs to the appropriate Region for disposition.

(3) All records and documents created or received by Council employees while in active duty status belong to the Federal Government. When employees leave the Council, they cannot take the original or file copies of records with them; to do so violates Federal law.

(c) *Permanent records.* The designation of a file as *permanent* means that the records are appropriate for offer to the National Archives when 20 years old, unless otherwise specified. Destruction of permanent records is not authorized. The following are examples of permanent files:

(1) EIS files: Documents relating EIS's or environmental assessments. Cut off at end of calendar year when created. Permanent retention; no approved disposition at this time.

(2) Annual report files: Input for the DOC Annual Reports and related correspondence. Cut off at end of calendar year when created; permanent.

(3) Meeting files: Including agendas, minutes, reports, studies and related correspondence. Cut off at end of calendar year; permanent.

(d) *Privacy Act (PA) records.* Each Council will maintain in its office, under appropriate safeguards in accordance with the PA, personnel files on employees, experts and consultants under contract, and advisory group members.

(1) *Maintenance.* A file for each Council member containing appointment papers, security reports, biographical data and other official papers will be centrally maintained in NOAA under security and safeguard conditions required of files subject to the PA. This file will be available to members to which it pertains on request, and to other members and government officials when a need to know the information in the performance of the requester's official duties is established.

(2) *Protection.* The PA provides the following protection for individuals, including Council employees, except as otherwise limited by law:

(i) An individual is permitted to know what records pertaining to him/her are collected, maintained, used, or disseminated.

(ii) An individual is permitted to prevent records pertaining to him/her, which have been obtained for a particular purpose, from being used or made available for another purpose without his/her consent.

(iii) An individual is permitted to request access to information in Federal records pertaining to him/her, to have a copy made of all or any portion of such records, if releasable, and to request to correct or amend such records.

(iv) The collection, maintenance, use, or dissemination of any record of identifiable personal information must be in a manner which assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

(v) Exemption from the requirements of the PA are permitted only in those cases where there is an important public need for such exemption as has been determined by specific statutory authority.

(vi) Federal agencies are subject to civil suit for any damage which occurs as a result of willful or intentional action which violates any individual's rights under the PA.

(3) *Request for PA information.* Any time an individual is asked to provide information about himself/herself to be maintained in a PA record, the individual must be given a written statement for his/her retention which provides the following information:

(i) The authority (statute or executive order) which authorizes the collection of the information, indicating whether the authority either imposes or authorizes any penalty for failing to answer; whether providing the information is mandatory or voluntary;

(ii) The principal purpose for which the information is to be used; and

(iii) Any other routine uses which may be made of the information. These routine uses must be limited to those published in the FEDERAL REGISTER, and the effect(s), if any, on the individual of not providing all or any of the requested information, both beneficial and adverse.

(4) *Disclosure of PA records.* The disclosure of PA records to the individual to whom they pertain, to a person accompanying the individual, to the parent of a minor, or to a legal guardian comprise a fundamental aspect of the PA. Otherwise, Councils may only disclose PA records under one of eleven situations outlined in NOAA Circular 75-82.

(5) *Disposition of PA records.* Councils must contact NOAA for guidance before disposing of PA records. Examples of PA records with recommended timeframes for disposition are as follows:

(i) Membership files: Containing biographical data on members. Cut off when member leaves Committee; destroy five years later.

(ii) Time and attendance files: Retain for three years following the final financial report for each grant year in accordance with OMB Circular A-110.

(e) *Freedom of Information Act (FOIA).* All FOIA requests must be submitted in writing. The envelope and letter should be clearly marked "Freedom of Information Request."

(1) *Requests.* (i) FOIA requests should be time-and-date stamped upon receipt. Each request must be acknowledged within 10 working days and filled as expeditiously as possible. Time limits for processing FOIA requests start upon receipt of the request (by the FOIA unit) for information. In unusual circumstances, the 10-day time limit may be extended up to an additional 10 working days. Discretion should be used in invoking the 1- to 10-day extension provision. Any extension reduces availability by the same number of days of an extension that otherwise can be invoked, if partial or full denial should result in an appeal.

(ii) FOIA requests received by a Council should be coordinated promptly with the Regional Office. The Region will coordinate logging the FOIA request and obtain clearance from the NOAA General Counsel concerning initial determination for release or denial of information (under paragraph (c)(5)(ii) of this section.

(iii) FOIA requests will be controlled and documented in the Region by completion of Form CD-244. Councils may obtain copies of this three-part form from the NOAA Logistics Supply Center at Kansas City or from local GSA stores, and assist the Regional Office in completing the form as well as in assigning an official response date. Copies of the CD-244 should be distributed to the Regional Director (white copy) and the Council (yellow copy), and an information copy with the incoming request should be provided to the NMFS FOIA Officer.

(iv) Councils should recover allowable costs for locating and reproducing information released under the FOIA and forward these funds through the NOAA Freedom of Information Officer to the U.S. Treasury. Appropriate charges are outlined in the DOC Uniform Schedule of Fees, 15 CFR 4.9.

(2) *Initial denials.* (i) The purpose of the FOIA is to make available to the public all information requested, with some exceptions in nine categories of information. Each Council may determine who may disclose unclassified information in its possession. However, only the Assistant Administrator has been delegated authority to make initial determinations on whether to deny information requested under the FOIA. This authority may not be redelegated. Regions must keep Councils informed.

(ii) Proposals to deny, or partially deny, as request for information should be coordinated with the appropriate Regional Attorney who will, in turn, coordinate with the DOC's Office of General Counsel, and with NOAA's Office of Public Affairs, and NOAA's Office. No initial denial may be issued until the concurrence of the Department's Office of General Counsel has been obtained.

(iii) After the coordination mentioned in paragraph (e)(2)(ii) of this section, the Assistant Administrator must send a letter to the requesting party denying the request for information. The denial letter should include the following:

(A) The specific exemption(s) which apply and why they apply.

(B) In the case of a partial denial, a statement of the specific manner in which a portion of a record is being provided after deletion of the portions which are determined to be exempt.

(C) A statement of the right to appeal to the DOC General Counsel within 30 days of the receipt of the denial.

(D) A statement that the appeal should include a copy of the original request, the initial denial, the requester's reasons why the records should be made available, and the reasons why the initial denial is believed to be in error.

(E) Copies of the letter of denial, along with the original FOIA request, should be sent to the DOC Office of General Counsel, the NOAA FOIA Officer, and the NMFS FOIA Officer.

PART 611—FOREIGN FISHING

Subpart A—General

Sec.
611.1 Purpose and scope.
611.2 Definitions.
611.3 Vessel permits.
611.4 Vessel reports.
611.5 Vessel and gear identification.
611.6 Facilitation of enforcement.
611.7 Prohibitions.
611.8 Observers.
611.9 Recordkeeping.
611.10 Fishing operations.
611.11 Prohibited species.
611.12 Gear avoidance and disposal.
611.13 Fishery closure procedures.
611.14 Scientific research.
611.15 Recreational fishing.
611.16 Relation to other laws.

Appendices to Subpart A

Appendix A—Addresses, Areas of Responsibility and Communications
Appendix B—Vessel Activity Reports
Appendix C—Fishing Areas
Appendix D—Species Codes
Appendix E—Fishery Product Codes
Appendix F—Weekly Catch Report
Appendix G—Weekly Joint Venture Receipts Report
Appendix H—Weekly Marine Mammal Report
Appendix I—Daily Fishing Log
Appendix J—Daily Consolidated Log
Appendix K—Daily Joint Venture Log

Subpart B—Surpluses

611.20 Total allowable level of foreign fishing (TALFF).
611.21 Allocations.
611.22 Fee schedule.

Subpart C—Atlantic Ocean

611.50 Northwest Atlantic Ocean fishery.
611.51 Hake fishery.

Subpart D—Atlantic, Caribbean, and Gulf of Mexico

611.60 General provisions.
611.61 Atlantic billfish and sharks fishery.
611.62 Royal red shrimp fishery.

Subpart E—Northeast Pacific Ocean

611.70 Pacific coast groundfish fishery.

Subpart F—Western Pacific Ocean

611.80 Seamount groundfish fishery.
Sec.
611.81 Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.
611.82 Precious coral fishery.

Subpart G—North Pacific Ocean and Bering Sea

611.90 General provisions.
611.91 [Reserved]
611.92 Gulf of Alaska groundfish fishery.
611.93 Bering Sea and Aleutian Islands groundfish fishery.
611.94 Snail fishery.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

Editorial Note: For a nomenclature change document affecting part 611 see 53 FR 24653, June 29, 1988.

Subpart A—General

Source: 50 FR 34979, Aug. 28, 1985, unless otherwise noted.

§ 611.1 Purpose and scope.

(a) This part governs all foreign fishing under the Magnuson Fishery Conservation and Management Act. Foreign vessels which are not operated for profit and are conducting recreational fishing only must comply with the provisions of this section, § 611.2, § 611.6(a)(1), applicable portions of § 611.7, and § 611.15.

(b) For additional provisions governing the Japanese harvest of salmonids, see the International Convention for the High Seas Fisheries of the North Pacific Ocean (TIAS 2786, as amended in 1962, TIAS 5385 and in 1978, TIAS 9242).

(c) Other U.S. laws and regulations apply to foreign vessels fishing in the U.S. EEZ such as the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.* and 50 CFR parts 216 and 229).

[50 FR 34979, Aug. 28, 1985, as amended at 53 FR 13412, Apr. 25, 1988; 54 FR 21925, May 19, 1989]

§ 611.2 Definitions.

In addition to the definitions contained in the Magnuson Act, and unless the context requires otherwise, in this part 611, the terms used have the following meaning (some definitions in the Magnuson Act have been repeated here to aid fishermen in understanding the regulations):

Agent means a person appointed and maintained within the United States who is authorized to receive and respond to any legal process issued in the United States to an owner and/or operator of a vessel operating under a permit and of any other vessel of that nation fishing subject to the jurisdiction of the United States. Any diplomatic official accepting such an appointment as designated agent waives diplomatic or other immunity in connection with such process.

Allocated species means any species or species group allocated to a foreign nation under § 611.21 for catching by vessels of that nation.

Anadromous species means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters, including but not limited to—

King salmon (*Oncorhynchus tshawytscha*)
Pink salmon (*Oncorhynchus gorbuscha*)
Chum salmon (*Oncorhynchus keta*)
Sockeye salmon (*Oncorhynchus nerka*)
Silver salmon (*Oncorhynchus kisutch*)
Rainbow (Steelhead) trout (*Salmo gairdneri*)
Atlantic salmon (*Salmo salar*)
Striped bass (*Morone saxatilis*)

Assistant Administrator means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration (NOAA) or a designee.

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating to enforce the Magnuson Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Authorized species means any species or species group which a foreign vessel is authorized to retain in a joint venture by a permit issued under activity code 4 as described by § 611.3(c).

Center Director means the Director of one of the four NMFS Fisheries Centers described in Table 1 of Appendix A to this subpart or a designee.

Coast Guard Commander means one of the commanding officers of the Coast Guard units specified in Table 1 of Appendix A to this subpart or a designee.

Continental shelf fishery resources (CSFR) means the following plus any species added by the Secretary under section 3(4) of the Magnuson Act:

COELENTERATA

Bamboo coral (*Acanella* spp.)
Black coral (*Antipathes* spp.)
Gold coral (*Callagorgia* spp.)
Precious red coral (*Corallium* spp.)
Bamboo coral (*Keratoisis* spp.)
Gold coral (*Parazoanthus* spp.)

CRUSTACEA

Tanner crab (*Chionoecetes tanneri*)
Tanner crab (*Chionoecetes opilio*)
Tanner crab (*Chionoecetes angulatus*)
Tanner crab (*Chionoecetes bairdi*)
King crab (*Paralithodes camtschatica*)
King crab (*Paralithodes platypus*)
King crab (*Paralithodes brevipes*)
Lobster (*Homarus americanus*)
Dungeness crab (*Cancer magister*)
California king crab (*Paralithodes californiensis*)
California king crab (*Paralithodes rathbuni*)
Golden king crab (*Lithodes aequispinus*)
Northern stone crab (*Lithodes maja*)
Stone crab (*Menippe mercenaria*)
Deep-sea red crab (*Geryon quinquedens*)

MOLLUSKS

Red abalone (*Haliotis rufescens*)
Pink abalone (*Haliotis corrugata*)
Japanese abalone (*Haliotis kamtschatkana*)
Queen conch (*Strombus gigas*)
Surf clam (*Spisula solidissima*)
Ocean quahog (*Arctica islandica*)

SPONGES

Glove sponge (*Spongia cheiris*)
Sheepswool sponge (*Hippiospongia lachne*)
Grass sponge (*Spongia graminea*)
Yellow sponge (*Spongia barbera*)

Council means any of the Regional Fishery Management Councils established under the Magnuson Act.

Designated representative means the person appointed by a foreign nation and maintained within the United States who is responsible for transmitting information to and submitting reports from vessels of that nation and establishing observer transfer arrangements for vessels in both directed and joint venture activities.

Directed fishing means any fishing by the vessels of a foreign nation for allocations of fish granted that nation under § 611.21.

Discard or *discarded* means to release or return fish to the sea, whether or not such fish are brought fully aboard a fishing vessel.

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fish (when used as a noun) includes finfish, elasmobranches, mollusks, crustaceans, and all other forms of marine animal or plant life, except marine mammals, birds, and highly migratory species.

Fish (when used as a verb) means to engage in "fishing," as defined below.

Fish over which the United States exercises exclusive fishery management authority means—

(a) All fish within the EEZ;

(b) All anadromous species beyond the EEZ, except when they are within any foreign nation's territorial sea or EEZ (or equivalent), to the extent that such sea or zone is recognized by the United States; and

(c) All Continental shelf fishery resources beyond the EEZ.

Fishery means—

(a) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, or economic characteristics, or method of catch; or

(b) Any fishing for such stocks.

EEZ means the area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing, or *to fish*, means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing vessel means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for, fishing.

Foreign fishing means fishing by a foreign fishing vessel.

Foreign fishing vessel (*FFV*) means any fishing vessel other than a vessel of the United States, except those foreign vessels engaged in recreational fishing, as defined in this section.

Gear conflict means any incident at sea involving one or more fishing vessels (a) in which one fishing vessel or its gear comes into contact with another vessel or the gear of another vessel, and (b) which results in the loss of, or damage to, a fishing vessel, fishing gear, or catch.

Governing International Fishery Agreement (*GIFA*) means an agreement between the United States and a foreign nation or nations under Section 201(c) of the Magnuson Act.

Greenwich mean time (*GMT*) means the local mean time at Greenwich, England. All times in this part are GMT unless otherwise specified.

Highly migratory species means the species of tuna which in the course of their life cycle spawn and migrate over great distances of the ocean, including, but not limited to—

Albacore (*Thunnus alalunga*)
Bigeye tuna (*Thunnus obsesus*)
Bluefin tuna (*Thunnus thynnus*)
Skipjack tuna (*Euthynnus pelamis*)
Southern bluefin tuna (*Thunnus maccoyii*)
Yellowfin tuna (*Thunnus albacares*)

International radio call sign (*IRCS*) means the unique radio identifier assigned a vessel by the appropriate authority of the flag state.

Joint venture means any operation by a foreign vessel assisting fishing by U.S. fishing vessels, including catching, scouting, processing and/or support. (A joint venture generally entails a foreign vessel processing fish received from U.S. fishing vessels and conducting associated support activities.)

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

NMFS means National Marine Fisheries Service, NOAA.

NOAA means the National Oceanic and Atmospheric Administration, Department of Commerce.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Optimum yield (*OY*) means the amount of fish—

(a) Which will provide the greatest overall benefit to the United States, with particular reference to food production and recreational opportunities; and

(b) Which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factor.

Owner, with respect to any vessel, means any person who owns that vessel or any charterer, whether bareboat, time, or voyage; and any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel.

Processing means any operation by an FFV to receive fish from foreign or U.S. fishing vessels and/or the preparation of fish, including but not limited to cleaning, cooking, canning, smoking, salting, drying, or freezing, either on the FFV's behalf or to assist other foreign or U.S. fishing vessels.

Product recovery rate (*PRR*) means a ratio expressed as a percentage of the weight of processed product divided by the round weight of fish used to produce that amount of product.

Prohibited species, with respect to any vessel, means any species of fish which that vessel is not specifically allocated or authorized to retain, including fish caught or received in excess of any allocation or authorization.

Recreational fishing means any fishing from a foreign vessel not operated for profit and not operated for the purpose of scientific research. It may not involve the sale, barter, or trade of part or all of the catch (see § 611.15).

Regional Director means the Director of one of the five NMFS regions described in Table 1 of Appendix A to this subpart or a designee.

Round weight means the weight of the whole fish.

Scouting means any operation by a vessel exploring (on the behalf of an FFV or U.S. fishing vessel) for the presence of fish by visual, acoustic, or other means which do not involve the catching of fish.

Secretary means the Secretary of Commerce or a designee.

Sexual harassment means any unwelcome sexual advance, request for sexual favors, or other verbal and physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

Support means any operation by a vessel assisting fishing by foreign or U.S. vessels, including supplying water, fuel, provisions, fish processing equipment, or other supplies to a fishing vessel.

Tranship means offloading and onloading or otherwise transferring fish or fish products and/or transporting fish or fish products made from fish.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery for which a fishery management

repared under Title III of the
son Act or a preliminary fish-
nagement plan prepared under
201(h) of the Magnuson Act
n implemented.

bserver or *observer* means any
serving in the capacity of an
r employed by NMFS, either
or under contract, or certified
supplementary observer by

t of the United States or *U.S.*
neans—
ny vessel documented under the
the United States;
ny vessel numbered in accord-
th the Federal Boat Safety Act
(46 U.S.C. 1400 *et seq.*), and
ing less than 5 net tons; or
ny vessel numbered under the
Boat Safety Act of 1971 and
clusively for pleasure.

34979, Aug. 28, 1985, as amended at
3412, Apr. 25, 1988; 53 FR 24646,
1988; 55 FR 293, Jan. 4, 1990]

Vessel permits.

eneral. (1) Each FFV fishing
he Magnuson Act must have on
completed permit form for a
issued under this section,
t is engaged only in recreation-
ng.
he Secretary of State may issue
registration permits for FFV's
under the International Con-
for the High Seas Fisheries of
rth Pacific Ocean (TIAS 2786;
ed in 1962, TIAS 5385; and in
TIAS 9242) upon application
he foreign nations.
ermits issued under this section
authorize FFV's or persons to
capture, or kill marine mam-
No marine mammals may be
n the course of fishing unless
ssel has on board a currently
ertificate of inclusion issued
general permit or an Exemp-
rtificate, as appropriate, under
arine Mammal Protection Act.
tions governing the taking of
mammals incidental to com-
fishing operations are con-
in 50 CFR 216.24 and 229.
esponsibility of owners and op-
The owners and operators of
FV are jointly and severally re-
le for compliance with the
Magnuson Act, the applicable GIFA, this part, and any permit issued under the Magnuson Act and this part. The owners and operators of each FFV bear civil responsibility for the acts of their employees and agents constituting violations, regardless of whether the specific acts were authorized or even forbidden by the employer or principal, and regardless of knowledge concerning the occurrence.

(c) *Activity codes.* Permits to fish under a GIFA may be issued by the Assistant Administrator for the activities described below, but the permits may be modified by regulations of this part, and by the conditions and restrictions attached to the permit (see paragraphs (e)(1)(v) and (l) of this section). The Assistant Administrator may issue a permit, as appropriate, for one or more of the activity codes listed below. The activity codes are described as follows:

Activity code 1—Catching, scouting, processing, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

Activity code 2—Processing, scouting, transshipping, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

Activity code 3— Transshipping, scouting, and supporting foreign vessels. Activity is limited to fish harvested or to be harvested by foreign vessels in the EEZ.

Activity code 4—Processing, scouting, transshipping, and supporting U.S. vessels delivering fish to foreign vessels. Activity is limited to the receipt of unprocessed fish harvested or to be harvested by U.S. vessels.

Activity code 5—Transshipping, scouting, and supporting foreign vessels. Transshipments limtied to fish received or to be received from foreign vessels processing fish from U.S. harvesting vessels.

Activity code 6—Transshipping, scouting, and supporting U.S. vessels. Transshipments limited to U.S. harvested fish processed aboard U.S. vessels.

Activity code 7—Processing, transshipping, and supporting foreign vessels. Activity limited to fish harvested or to be harvested by foreign vessels seaward of the EEZ.

Activity code 8—Transshipping and supporting foreign vessels. Activity is limited to fish harvested or to be harvested seaward of the EEZ by foreign vessels or fish duly authorized for processing in the internal waters of one of the States.

Activity code 9—Supporting U.S. fishing vessels and U.S. fish processing vessels and any foreign fishing vessels authorized under any activity code under this section.

(d) *Application.* (1) Applications for FFV permits must be submitted by each foreign nation to the Department of State. Application forms are available from OES/OFA, Department of State, Washington, DC 20520. The applicant should allow 90 days for review and comment by the public, involved governmental agencies, and appropriate Fishery Management Councils, and for processing before the anticipated date to begin fishing. The permit application fee must be paid at the time of application according to § 611.22.

(2) Applicants must provide complete and accurate information requested on the permit application form.

(3) Applicants for FFV's that will support U.S. vessels in joint ventures (activity code 4) must provide the additional information specified by the permit application form.

(4) Each foreign nation may substitute one FFV for another by submitting a new vessel information form and a short explanation of the reason for the substitution to the Department of State. Each substitution is considered a new application and a new application fee must be paid. NMFS will promptly process an application for a vessel replacing a permitted FFV that is disabled or decommissioned, once the Department of State has notified the appropriate Council(s) of the substituted application.

(e) *Issuance.* (1) Permits may be issued to an FFV by the Assistant Administrator through the Department of State after—

(i) The Assistant Administrator determines that the fishing described in the application will meet the requirements of the Magnuson Act and approves the permit application;

(ii) The foreign nation has paid the fees, including any surcharge fees; and provided any assurances required by the Secretary in accordance with the provisions of § 611.22;

(iii) The foreign nation has appointed an agent;

(iv) The foreign nation has identified a designated representative; and

(v) The general "conditions and restrictions" of receiving permits, as required by section 204(b)(7) of the Magnuson Act, and any "additional restrictions" attached to the permit for the conservation and management of fishery resources or to prevent significant impairment of the national defense or security interests, have been accepted by the nation issuing the FFV's documents.

(2) The Assistant Administrator will distribute blank permit forms to the designated representative while the application is being processed. The designated representative must ensure that each FFV receives a permit form and must accurately transmit the permit form and the contents of the permit to the FFV when it is issued. The Assistant Administrator may authorize the modification and use of the previous year's permit forms to be used on an interim basis in place of the current year's permit forms if the current forms were not made available to the designated representatives for timely distribution. The FFV owner or operator must accurately complete the permit form prior to fishing in the EEZ.

(3) A completed permit form must contain—

(i) The name and IRCS of the FFV and its permit number;

(ii) The permitted fisheries and activity codes;

(iii) The date of issuance and expiration date, if other than December 31; and

(iv) All conditions and restrictions, and any additional restrictions and technical modifications appended to the permit.

(4) Permits are not issued for boats which are launched from larger vessels. Any enforcement action which results from the activities of a launched boat will be taken against the permitted vessel.

(f) *Duration.* A permit is valid from its date of issuance to its date of expiration unless it is revoked or suspended or the nation issuing the FFV's documents does not accept amendments to the permit made by the Assistant Adminstrator in accordance with the procedures of paragraph (l). The permit will be valid for no longer than the calendar year in which it was issued.

(g) *Transfer.* Permits are not transferable or assignable. A permit is valid only for the FFV to which it is issued.

(h) *Display.* Each FFV operator must have a properly completed permit form available on board the FFV when engaged in fishing activities and must produce it at the request of an authorized officer or observer.

(i) *Suspension and revocation.* NMFS may apply sanctions to an FFV's permit by revoking, suspending, or imposing additional permit restrictions on the permit under Title 15 CFR part 904 if the vessel is involved in the commission of any violation of the Magnuson Act, the GIFA, or this part; if an agent and a designated representative are not maintained in the United States; if a civil penalty or criminal fine imposed under the Magnuson Act has become overdue; or as otherwise specified in the Magnuson Act.

(j) *Fees.* Permit application fees are described at § 611.22.

(k) *Change in application information.* (1) The foreign nation must report in writing any change in the information supplied under paragraph (d) of this section to the Assistant Administrator within 15 calendar days after the date of the change. Failure to report a change in the ownership from that described in the current application within the specified time frame voids the permit, and all penalties involved will accrue to the previous owner.

(2) The Assistant Administrator may make technical modifications or changes in the permit application requested or reported by a nation, such as a change in radio call sign, processing equipment, or tonnage, which will be effective immediately.

(3) If, in the opinion of the Assistant Administrator, a permit change requested by a nation could significantly affect the status of any fishery resource, such request will be processed as an application for a new permit under this section.

(4) The Assistant Administrator will notify the designated representative of any revision which must be made on the permit form as the result of a permit change.

(5) The vessel owner or operator must record the modification on the permit form.

(l) *Permit amendments.* (1) The Assistant Administrator may amend a permit by adding "additional restrictions" for the conservation and management of fishery resources covered by the permit, or for the national defense or security if the Assistant Administrator determines that such interests would be significantly impaired without such restrictions. Compliance with the added "additional restrictions" is a condition of the permit. Violations of added "additional restrictions" will be treated as violations of this part.

(2) The Assistant Administrator may make proposed "additional restrictions" effective immediately, if necessary, to prevent substantial harm to a fishery resource of the United States, to allow for the continuation of ongoing fishing operations, or to allow for fishing to begin at the normal time for opening of the fishery.

(3) The Assistant Administrator will send proposed "additional restrictions" to each nation whose vessels are affected (via the Secretary of State), to the appropriate Councils, and to the Commandant of the Coast Guard. The Assistant Administrator will, at the same time, publish a notice of any significant proposed "additional restrictions" in the FEDERAL REGISTER. The notice will include a summary of the reasons underlying the proposal, and the reasons that any proposed "additional restrictions" are made effective immediately.

(4) The nation whose vessels are involved, the owners of the affected vessels, their representatives, the agencies specified in paragraph (l)(3) of this section, and the public may submit written comments on the proposed "additional restrictions" within 30 days after publication in the FEDERAL REGISTER.

(5) The Assistant Administrator will make a final decision regarding the proposed "additional restrictions" as soon as practicable after the end of the comment period. The Assistant

Administrator will provide the final "additional restrictions" to the nation whose vessels are affected (via the Secretary of State) according to the procedures of paragraph (e) of this section. The Assistant Administrator will include with the final "additional restrictions" to the nation, a response to comments submitted.

(6) "Additional restrictions" may be modified by following the procedures of paragraphs (l)(2) through (l)(5) of this section.

[50 FR 34979, Aug. 28, 1985, as amended at 53 FR 13412, Apr. 25, 1988; 54 FR 21925, May 19, 1989; 55 FR 293, Jan. 4, 1990]

§ 611.4 Vessel reports.

(a) The operator of each FFV must report the FFV's activities within the EEZ to the Coast Guard and NMFS as specified in this section.

(b) All reports required by this section must be in English and in the formats specified in the appendices. Reports should be delivered by private or commercial communications facilities to the appropriate Coast Guard commander, who will relay them to NMFS. Weekly reports may also be delivered directly to the appropriate NMFS Region or Center (Tables 1 and 2 of Appendix A to this subpart). (The required reports may be delivered to the closest Coast Guard communication station as indicated in Table 3 of Appendix A or other Coast Guard communication station *only if* adequate private or commercial communications facilities have not been successfully contacted.) Radio reports must be made via radiotelegraphy or Telex where available. In this section, a message is considered *transmitted* when its receipt is acknowledged by a communications facility and considered *delivered* upon its receipt by the offices of the appropriate Coast Guard commander, NMFS Regional Office, or NMFS Center identified in Appendix A. Reports required by this section may be submitted by the vessel's designated representative; however, the operator of the FFV is responsible for the correct and timely filing of all required reports.

(c) *Activity reports.* The operator of each FFV must report the FFV's movements and activities before or upon the event as specified in t paragraph and as illustrated in App dix B to this subpart (EXCEPTIO § 611.81(d)). Each FFV report m contain the following informati The message identifier "VESREP" indicate it is a vessel activity rep FFV name, international radio c sign (IRCS), date (month and d based on GMT), time (hour a minute GMT), position (latitude a longitude to the nearest degree a minute) where required, area (u fishing area code from Appendix C this subpart) where required, the a propriate action code, confirmati codes where required, and the oth information specified in paragrap (c)(1) through (c)(11) of this section.

(1) *BEGIN.* Each operator mu specify the date, time, position a area the FFV will actually BEG fishing in the EEZ and the species (species code from Appendix D to th subpart), product (by product co from Appendix E to this subpart), a quantity of all fish and fish produc (by product weight to the nearest hu dredth of a metric ton) on board wh entering the EEZ (action co BEGIN). The message must be *deli ered* at least 24 hours before the vess begins to fish.

(2) *DEPART.* Each operator mu specify the date, time, position, a area the FFV will DEPART the E to embark or debark an observer, visit a U.S. port, to conduct a joi centure in internal waters, or to othe wise temporarily leave an authoriz fishing area but not depart the se ward limit of the EEZ (action co DEPART). The message must *transmitted* before the FFV depar the present fishing area and *delivere* within 24 hours of its transmittal.

(3) *RETURN.* Each operator mu specify the date, time, position, a area the FFV will RETURN to th EEZ following a temporary departur and the species (by species code fro Appendix D to this subpart), produ (by product code from Appendix E t this subpart), and quantity of all fis and fish products (by product weigh to the nearest hundredth of a metr ton) on board which were received in joint venture in internal wate (action code RETURN). The messag

must be *transmitted* before returning to the EEZ and *delivered* within 24 hours of its transmittal.

(4) *SHIFT.* Each operator must report each SHIFT in fishing area (as shown in Appendix C to this subpart) by specifying the date, time, and position the FFV will start fishing, and the new area (action code SHIFT). The message must be *transmitted* before leaving the original area and *delivered* within 24 hours of its transmittal. If a foreign vessel operates within 20 nautical miles of a fishing area boundary, its operator may submit in one message the shift reports for all fishing area shifts occurring during one fishing day (0001-2400 GMT). This message must be transmitted prior to the last shift expected to be made in the day and *delivered* within 24 hours of its transmittal.

(5) *JV OPS.* Each operator must specify the date, time, position, and area at which the FFV will START joint venture operations (action code START JV OPS) or END joint venture operations (action code END JV OPS). These reports must be made in addition to other activity reports made under this section. Each message must be *transmitted* before the event and *delivered* within 24 hours of its transmittal.

(6) *TRANSFER.* The operator of each FFV which anticipates a transshipping operation in which the FFV will receive fish or fisheries products must specify the date, time, position and area the FFV will conduct the TRANSFER and the name and IRCS of the other FFV or U.S. vessel involved (action code TRANSFER). The report must include the permit activity code under which the transfer will be made. The message must be transmitted prior to the transfer and delivered within 24 hours of its transmittal. The movement of raw fish from a permitted foreign catching vessel or, under an activity code 4, from a U.S. fishing vessel to the reporting processing vessel and the return of nets or codends is not considered a transfer.

(7) *OFFLOADED.* Each operator must specify the date, time, position and area the FFV OFFLOADED fish or fisheries products TO another FFV or a U.S. vessel in a transfer, the other FFV's or U.S. vessel's name, IRCS, Permit Activity Code under which the transfer was made, species (by species code from Appendix D to this subpart) and quantity of fish and fisheries products (by product code from Appendix E to this subpart and by product weight to the nearest hundredth of a metric ton) offloaded (action code OFFLOADED TO). The message must be transmitted within 12 hours after the transfer is completed and delivered within 24 hours of its transmittal and before the FFV ceases fishing in the EEZ.

(8) *RECEIVED.* Each operator must specify the date, time, position and area the vessel RECEIVED fish or fisheries products FROM another FFV in a transfer, the other FFV's or U.S. vessel's name, IRCS, Permit Activity Code under which the receipt was made, species (by species code from Appendix D to this subpart) and quantity of fish and fisheries products (by product code from Appendix E to this subpart and by product weight to the nearest hundredth of a metric ton) received (action code RECEIVED FROM). The message must be transmitted within 12 hours after the transfer is completed and delivered within 24 hours of its transmittal and before the vessel ceases fishing in the EEZ.

(9) *CEASE.* Each operator must specify the date, time, position, and area the FFV will CEASE fishing in order to leave the EEZ (action code CEASE). The message must be *delivered* at least 24 hours before the FFV's departure.

(10) *CHANGE.* Each operator must report any CHANGE TO the FFV's operations if the position or time of an event specified in an activity report will vary more than five nautical miles or four hours from that previously reported, by sending a revised message inserting the word "CHANGE" in front of the previous report, repeating the name, IRCS, date, and time of the previous report, adding the word "TO" and the complete revised text of the new report (action code CHANGE TO). Changes to reports specifying an early beginning of fishing by an FFV or other changes to reports of paragraphs (c)(1) through (c)(9) must be transmitted and delivered as if the

CHANGE report was the original message.

(11) *CANCEL.* Each operator wishing to CANCEL a previous report may do so by sending a revised message, and inserting the word "CANCEL" in front of the previous report's vessel name, IRCS, date, time and action code canceled (action code CANCEL). The message must be transmitted and delivered prior to the date and time of the event in the original message.

(d) The operator of an FFV will be in violation of paragraphs (c)(1) through (c)(9) of this section if the FFV does not pass within five nautical miles of the position given in the report within four hours of the time given in the report.

(e) The notices required by this section may be provided for individual or groups of FFV's (on a vessel-by-vessel basis) by fleet commanders or other authorized persons. An FFV operator may retransmit reports on the behalf of another FFV, if authorized by that FFV's operator. This does not relieve the individual vessel operator of the responsibility of filing required reports. In these cases, the message format in Appendix B of this subpart should be modified so that each line of text under "VESREP" is a separate vessel report.

(f) *Weekly reports.* (1) The operator of each FFV in the EEZ must submit appropriate weekly reports through the nation's designated representative. The report must arrive at the address and time specified in paragraph (g) of this section. The reports may be sent by Telex, but a completed copy of the report form (see Appendices F, G, and H to the subpart) must be mailed or hand delivered to confirm the Telex. Designated representatives may include more than one vessel report in a Telex message, if the information is submitted on a vessel-by-vessel basis. Requests for corrections to previous reports must be submitted through the nation's designated representative and mailed or hand-delivered, together with a written explanation of the reasons for the errors. The appropriate Regional or Center Director may accept or reject any correction and initiate any appropriate civil penalty actions.

(2) *Weekly catch report (CATREP).* (i) The operator of each FFV must submit a weekly catch report stating any catch (activity code 1) in round weight of each species or species group allocated to that nation by area and days fished in each area for the weekly period Sunday through Saturday, GMT, as modified by the fishery in which the FFV is engaged (see subpart C through G of this part). Foreign vessels delivering unsorted, unprocessed fish to a processing vessel are not required to submit CATREP's, if that processing vessel (activity code 2) submits consolidated CATREP's for all fish received during each weekly period. No report is required for FFV's which do not catch or receive foreign-caught fish during the reporting period.

(ii) Appendix F to this subpart contains the instructions and form to submit a CATREP.

(3) *Weekly receipts report (RECREP).* (i) The operator of each FFV must submit a weekly report stating any receipts of U.S.-harvested fish in a joint venture (activity code 4) for the weekly period Sunday through Saturday, GMT, as modified by the fishery in which the FFV is engaged (see subparts C through G of this part), for each fishing area by authorized or prohibited species or species group; days fish received; round weight retained or returned to the U.S. fishing vessel; number of codends received; and number of vessels transferring codends. The report must also include the names of U.S. fishing vessels transferring codends during the week. No report is required for FFV's which do not receive any U.S.-harvested fish during the reporting period.

(ii) Appendix G to this subpart contains the instructions and form to submit a RECREP.

(4) *Marine mammal report (MAMREP).* (i) The operator of each FFV must submit a weekly report stating any incidental catch or receipt of marine mammals (activity codes 1 or 2 and/or 4), the geographical position caught, the condition of the animal, number caught (if more than one of the same species and condition), and nationality of the catching vessel for the period Sunday through Saturday,

MT, as modified by the fishery in
ich the vessel is engaged (see sub-
rts C through G of this part). For-
n catching vessels delivering unsort-
, unprocessed fish to processing
ssel are not required to submit
AMREP's provided that the process-
g or factory vessel (activity code 2)
bmits consolidated MAMREP's for
fish received during each weekly
riod. FFV's receiving U.S.-harvested
h in a joint venture (activity code 4)
ust submit consolidated reports for
S. vessels operating in the joint ven-
re. No report is requirled for FFV's
ich do not catch or receive marine
ammals during the reporting period.

(ii) Appendix H to this subpart con-
ins the instructions and form to
bmit a MAMREP.

(g) *Submission instructions for*
eekly reports. The designated repre-
ntative for each FFV must submit
eekly reports in the prescribed
rmat to the appropriate Regional or
enter Director of NMFS by 1900
MT on the Wednesday following the
d of the reporting period. For fish-
ies off Alaska, weekly reports, other
an weekly receipts reports (RE-
REP's), must be received by 1900
MT on the Friday following the end
the reporting period. For fisheries
f Alaska, weekly receipts reports
ECREP's) must be received by 1900
MT on the Wednesday following the
d of the reporting period. However,
agreement with the appropriate Di-
ctor, the designated representative
ay submit weekly reports to some
her facility of NMFS (see Table 2 to
ppendix A to this subpart).

0 FR 34979, Aug. 28, 1985; 50 FR 43571,
ct. 28, 1985, as amended at 55 FR 294, Jan.
1990]

611.5 Vessel and gear identification.

(a) *Vessel identification.* (1) The op-
rator of each FFV assigned an inter-
ational radio call sign (IRCS) must
splay that call sign amidships on
oth the port and starboard sides of
e deckhouse or hull, so that it is visi-
e from an enforcement vessel, and
an appropriate weather deck so it is
sible from the air.

(2) The operator of each FFV not as-
gned an IRCS, such as a small trawl-
associated with a mothership or one of a pair of trawlers, must display the IRCS of the associated vessel, followed by a numerical suffix. (For example, JCZM-1, JCZM-2, etc. would be displayed on small trawlers not assigned an IRCS operating with a mother ship whose IRCS is JCZM; JANP-1 would be displayed by a pair trawler not assigned an IRCS operating with a trawler whose IRCS is JANP.)

(3) The vessel identification must be in a color in contrast to the background and must be permanently affixed to the FFV in block roman alphabet letters and arabic numerals at least one meter in height for FFV's over 20 meters in length, and at least one-half meter in height for all other FFV's.

(b) *Navigational lights and shapes.* Each FFV must display the lights and shapes prescribed by the International Regulations for Preventing Collisions at Sea, 1972 (TIAS 8587, and 1981 amendment TIAS 10672), for the activity in which the FFV is engaged (as described at 33 CFR part 81).

(c) *Gear identification.* (1) The operator of each FFV must ensure that all deployed fishing gear which is not physically and continuously attached to an FFV: (i) is clearly marked at the surface with a buoy displaying the vessel identification of the FFV (see paragraph (a) of this section) to which the gear belongs, (ii) has attached a light visible for two miles at night in good visibility, and (iii) has a radio buoy.

Trawl codends passed from one vessel to another are considered continuously attached gear and are not required to be marked.

(2) The operator of each FFV must ensure that deployed longlines, strings of traps or pots, and gillnets are marked at the surface at each terminal end with: (i) a buoy displaying the vessel identification of the FFV to which the gear belongs (see paragraph (a) of this section, (ii) a light visible for two miles at night in good visibility, and (iii) a radio buoy.

Additional requirements may be specified in subparts C through G for the fishery in which the vessel is engaged.

(3) Unmarked or incorrectly identified fishing gear may be considered

abandoned and may be disposed of in accordance with applicable Federal regulations by any authorized officer.

(d) *Maintenance.* The operator of each FFV must—

(1) Keep the vessel and gear identification clearly legible and in good repair;

(2) Ensure that nothing on the FFV obstructs the view of the markings from an enforcement vessel or aircraft; and

(3) Ensure that the proper navigational lights and shapes are displayed for the FFV's activity and are properly functioning.

§ 611.6 Facilitation of enforcement.

(a) *General.* (1) The owner, operator, or any person aboard any FFV subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the FFV; to move the FFV to a specified location; and to facilitate safe boarding and inspection of the vessel, its gear, equipment, records, and fish and fish products on board for purposes of enforcing the Magnuson Act and this part.

(2) The operator of each FFV must provide vessel position or other information when requested by NMFS or the Coast Guard within the time specified in the request.

(b) *Communications equipment.* (1) Each FFV must be equipped with a VHF-FM radiotelephone station located so that it may be operated from the wheelhouse. Each operator must maintain a continous listening watch on channel 16 (156.8 mHz).

(2) Each FFV must be equipped with a radiotelegraph station capable of communicating via 500 kHz radiotelegraph and at least one working frequency between 405 kHz and 535 kHz, and a radiotelephone station capable of communicating via 2182 kHz radiotelephony and at least one set of working frequencies identified in Table 3 to Appendix A of this subpart appropriate to the fishery in which the FFV is operating. Each operator must monitor and be ready to communicate via 500 kHz radiotelegraph and 2182 kHz radiotelephone each day from 0800 GMT to 0830 GMT and 2000 to 2030 GMT, and in preparation for boarding.

(3) FFV's that are not equipped
processing facilities and that d
all catches to a foreign proce
vessel are exempt from the re
ments of paragraph (b)(2) of thi
tion.

(4) FFV's with no IRCS whic
not catch fish and are used as au
ry vessels to handle codends,
equipment, or passengers for a
essing vessel are exempt from th
quirements of paragraph (b)(1)
(b)(2) of this section.

(5) The appropriate Regional
tor, with the agreement of the a
priate Coast Guard commander,
upon request by a foreign n
accept alternatives to the radi
quirements of this section to ce
FFV's or types or FFV operating
fishery, provided they are ade
for the communications needs o
fishery.

(c) *Communications procedure*
Upon being approached by a
Guard vessel or aircraft or other
or aircraft with an authorized o
aboard, the operator of any FFV
ject to this part must be alert for
munications conveying enforce
instructions. The enforcement
may communicate by channe
VHF-FM radiotelephone, 2182 k
diotelephone, 500 kHZ radioteleg
message block from an aircraft,
ing light or flag signals from the
national Code of Signals, hand s
placard, loudhailer, or other appr
ate means. The following signal
tracted from the International Co
Signals are among those which m
used.

(i) "AA, AA, AA, etc." which i
call for an unknown station. The
naled vessel should respond by id
fying itself or by illuminating
vessel identification required
§ 611.5 of this part;

(ii) "RY-CY" meaning "You sh
proceed at slow speed, a boat is co
to you";

(iii) "SQ3" meaning "You sh
stop or heave to; I am going to b
you"; and

(iv) "L" meaning "You should
your vessel instantly."

(2) Failure of an FFV's operat
stop the vessel when directed to
by an authorized officer using

FM radiotelphone (channel 16), 2182 kHz radiotelephone (where required), 500 kHz radiotelegraph (where required), message block from an aircraft, flashing light signal, flaghoist, or loudhailer constitutes a violation of this part.

(3) The operator of or any person aboard an FFV who does not understand a signal from an enforcement unit and who is unable to obtain clarification by radiotelephone or other means must consider the signal to be a command to stop the FFV instantly.

(d) *Boarding.* The operator of an FFV signaled for boarding must—

(1) Monitor 2182 kHz radiotelephone and 500 kHz radiotelegraph (if equipped) and channel 16 (156.8 mHz) VHF-FM radiotelephone;

(2) Stop immediately and lay to or maneuver in such a way as to maintain the safety of the FFV and facilitate boarding by the authorized officer and the boarding party or an observer;

(3) Provide the authorized officer, boarding party, or observer a safe pilot ladder. The operator must ensure the pilot ladder is securely attached to the FFV and meets the construction requirements of Regulation 17, Chapter V of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (TIAS 9700 and 1978 Protocol, TIAS 10009), or a substantially equivalent national standard approved by letter from the Assistant Administrator, with agreement with the Coast Guard. Safe pilot ladder standards are summarized below:

(i) The ladder must be of a single length of not more than 9 meters (30 feet), capable of reaching the water from the point of access to the FFV, accounting for all conditions of loading and trim of the FFV and for an adverse list of 15 degrees. Whenever the distance from sea level to the point of access to the ship is more than 9 meters (30 feet), access must be by means of an accommodation ladder or other safe and convenient means.

(ii) The steps of the pilot ladder must be—

(A) Of hardwood, or other material of equivalent properties, made in one piece free of knots, having an efficient non-slip surface; the four lowest steps may be made of rubber of sufficient strength and stiffness or of other suitable material of equivalent characteristics;

(B) Not less than 480 millimeters (19 inches) long, 115 millimeters (4½ inches) wide, and 25 millimeters (1 inch) in depth, excluding any non-slip device; and

(C) Equally spaced not less than 300 millimeters (12 inches) nor more than 380 millimeters (15 inches) apart and secured in such a manner that they will remain horizontal.

(iii) No pilot ladder may have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder.

(iv) The side ropes of the ladder must consist of two uncovered manila ropes not less than 60 millimeters (2¼ inches) in circumference on each side (or synthetic ropes of equivalent size and equivalent or greater strength). Each rope must be continuous with no joints below top step.

(v) Battens made of hardwood, or other material of equivalent properties, in one piece and not less than 1.80 meters (5 feet 10 inches) long must be provided at such intervals as will prevent the pilot ladder from twisting. The lowest batten must be on the fifth step from the bottom of the ladder and the interval between any batten and the next must not exceed 9 steps.

(vi) Where passage onto or off the ship is by means of a bulwark ladder, two handhold stanchions must be fitted at the point of boarding or leaving the FFV not less than 0.70 meter (2 feet 3 inches) nor more than 0.80 meter (2 feet 7 inches) apart, not less than 40 millimeters (2½ inches) in diameter, and must extend not less than 1.20 meters (3 feet 11 inches) above the top of the bulwark.

(4) When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope, safety line and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the authorized officer and the boarding party and to facilitate the boarding and inspection.

(e) *Access and records.* (1) The owner and operator of each FFV must provide authorized officers access to all spaces where work is conducted or business papers and records are prepared or stored, including but not limited to, personal quarters and areas within personal quarters.

(2) The owner and operator of each FFV must provide to authorized officers all records and documents pertaining to the fishing activities of the vessel, including but not limited to, production records, fishing logs, navigation logs, transfer records, product receipts, cargo stowage plans or records, draft or displacement calculations, customs documents or records, and an accurate hold plan reflecting the current structure of the vessel's storage and factory spaces.

(f) *Product storage.* The operator of each permitted FFV storing fish or fish products in a storage space must ensure that all non-fish product items are neither stowed beneath nor covered by fish products, unless required to maintain the stability and safety of the vessel. These items include, but are not limited to, portable conveyors, exhaust fans, ladders, nets, fuel bladders, extra bin boards, or other movable non-product items. These items may be in the space when necessary for safety of the vessel or crew or for storage of the product. Lumber, bin boards, or other dunnage may be used for shoring or bracing of product to ensure safety of crew and to prevent shifting of cargo within the space.

§ 611.7 Prohibitions.

(a) It is unlawful for any person to do the following:

(1) Ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fish taken or retained in violation of the Magnuson Act, the applicable GIFA, this part, or any permit issued under this part;

(2) Refuse to allow an authorized officer to board an FFV for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, the applicable GIFA, this part, or any other permit issued under this part;

(3) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (a)(2) of this section;

(4) Resist a lawful arrest for any act prohibited by the Magnuson Act, the applicable GIFA, this part, or any permit issued under this part;

(5) Interfere with, delay, or prevent by any means the apprehension or arrest of another person with the knowledge that such other person has committed any act prohibited by the Magnuson Act, the applicable GIFA, this part, or any permit issued under this part;

(6) Interfere with, obstruct, delay, oppose, impede, intimidate, or prevent by any means any boarding, investigation or search, wherever conducted, in the process of enforcing the Magnuson Act, the applicable GIFA, this part, or any permit issued under this part;

(7) Engage in any fishing activity for which the FFV does not have a permit as required under § 611.3;

(8) Engage in any fishing activity within the EEZ without a U.S. observer aboard the FFV, unless the requirement has been waived by the appropriate Regional Director;

(9) Retain or attempt to retain within the EEZ, directly or indirectly, any U.S. harvested fish, unless the FFV has a permit for activity codes or 6.

(10) Use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued under this part;

(11) Violate any provision of the applicable GIFA;

(12) Falsely or incorrectly complete (including by omission) a permit application or permit form as specified in § 611.3 (d) and (k);

(13) Fail to report to the Assistant Administrator within 15 days any change in the information contained in the permit application for a FFV, as specified in § 611.3(k);

(14) Forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer placed aboard an FFV under this part;

(15) Interfere with or bias the sampling procedure employed by an observer, including sorting or discarding any catch prior to sampling, unless the observer has stated that sampling will

not occur; or tampering with, destroying, or discarding an observer's collected samples, equipment, records, photographic film, papers, or effects without the express consent of the observer;

(16) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties;

(17) Harass an authorized officer or observer (including sexual harassment) by conduct which has the purpose or effect of unreasonably interfering with the observer's work performance, or which creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis;

(18) Fail to provide the required assistance to an observer as described at § 611.8 (c) and (d);

(19) Fail to identify, falsely identify, fail to properly maintain, or obscure the identification of the FFV or its gear as required by this part;

(20) Falsify or fail to make, keep, maintain, or submit any record or report required by this part;

(21) Fail to return to the sea or fail to otherwise treat prohibited species as required by this part;

(22) Fail to report or falsely report any gear conflict;

(23) Fail to report or falsely report any loss, jettisoning, or abandonment of fishing gear or other article into the EEZ which might interfere with fishing, obstruct fishing gear or vessels, or cause damage to any fishery resource or marine mammals;

(24) Continue activity codes 1 through 4 after those activity codes have been canceled under § 611.13;

(25) Fail to maintain health and safety standards set forth in § 611.8(d);

(26) Violate any provisions of subparts C through G of this part;

(27) Violate any provision of this part, the Magnuson Act, the applicable GIFA, any notice issued under this part or any permit issued under this part; or

(28) Attempt to do any of the foregoing.

(b) It is unlawful for any FFV, and for the owner or operator of any FFV except an FFV engaged only in recreational fishing, to fish—

(1) Within the boundaries of any State, unless the fishing is authorized by the Governor of that State as permitted by section 306(c) of the Magnuson Act to engage in a joint venture for processing and support with U.S. fishing vessels in the internal waters of that State; or

(2) Within the EEZ, or for any anadromous species or continental shelf fishery resources beyond the EEZ, unless the fishing is authorized by, and conducted in accordance with, a valid permit issued under § 611.3 or by the Secretary of State under the International Convention for the High Seas Fisheries of the North Pacific Ocean.

[50 FR 34979, Aug. 28, 1985, as amended at 54 FR 16371, Apr. 24, 1989; 55 FR 294, Jan. 4, 1990]

§ 611.8 Observers.

(a) *General.* To carry out such scientific, compliance monitoring, and other functions as may be necessary or appropriate to carry out the purposes of the Magnuson Act, the appropriate Regional or Center Director (See Table 2 to Appendix A to this subpart) may assign U.S. observers to FFV's. Except as provided for in section 201(i)(2) of the Magnuson Act, no FFV may conduct fishing operations within the EEZ unless a U.S. observer is aboard.

(b) *Effort plan.* To ensure the availability of an observer as required by this section, the owners and operators of FFV's wishing to fish within the EEZ will submit to the appropriate Regional Director or Center Director; and also to the Chief, Office of Enforcement, National Marine Fisheries Service, Washington, DC 20235, ATTN: F/M5 (see table 4 to appendix A to this subpart), a schedule of fishing effort 30 days prior to the beginning of each quarter. A quarter is a time period of three consecutive months beginning January 1, April 1, July 1, and October 1 of each year. The schedule will contain the name and IRCS of each FFV intending to fish within the EEZ during the upcoming quarter, and each FFV's expected date of arrival and expected date of departure.

(1) The appropriate Regional or Center Director must be notified immediately of any substitution of vessels or any cancellation of plans to fish in the EEZ for FFV's listed in the effort plan required by this section.

(2) If an arrival date of an FFV will vary more than five days from the date listed in the quarterly schedule, the appropriate Regional or Center Director must be notified at least 10 days in advance of the rescheduled date of arrival. If the notice required by this paragraph is not given, the FFV may not engage in fishing until an observer is available and has been placed aboard the vessel or the requirement has been waived by the appropriate Regional or Center Director.

(c) *Assistance to observers.* To assist the observer in the accomplishment of his or her assigned duties, the owner and operator of an FFV to which an observer is assigned must—

(1) Provide, at no cost to the observer or the United States, accommodations for the observer aboard the FFV which are equivalent to those provided to the officers of that vessel;

(2) Cause the FFV to proceed to such places and at such times as may be designated by the appropriate Regional or Center Director for the purpose of embarking and debarking the observer;

(3) Allow the observer to use the FFV's communications equipment and personnel upon demand for the transmission and receipt of messages;

(4) Allow the observer access to and use of the FFV's navigation equipment and personnel upon demand to determine the vessel's position;

(5) Allow the observer free and unobstructed access to the FFV's bridge, trawl, or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds and any other space which may be used to hold, process weigh, or store fish or fish products at any time;

(6) Allow the observer to inspect and copy the FFV's daily log, communications log, transfer log, and any other log, document, notice, or record required by these regulations;

(7) Provide the observer copies of any records required by these regulations upon demand;

(8) Notify the observer at least 15 minutes before fish are brought aboard or fish or fish products are transferred from the FFV to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified; and

(9) Provide all other reasonable assistance to enable the observer to carry out his or her duties.

(d) *Health and safety standards.* All foreign fishing vessels to which an observer is deployed must maintain, at all times that the vessel is in the EEZ of the United States, the following:

(1) At least one working radar;

(2) Functioning navigation lights as required by international law;

(3) A watch on the bridge by appropriately trained and experienced personnel while the vessel is underway;

(4) Lifeboats and/or inflatable life rafts with a total carrying capacity equal to or greater than the number of people aboard the vessel. Lifeboats and inflatable life rafts must be maintained in good working order and be readily available;

(5) Life jackets equal or greater in number to the total number of persons aboard the vessel. Life jackets must be stowed in readily accessible and plainly marked positions throughout the vessel, and maintained in a state of good repair;

(6) At least one ring life buoy for each 25 feet of vessel length, equipped with automatic water lights. Ring life buoys must have an outside diameter of not more than 32 inches nor less than 30 inches, and must be maintained in a state of good repair. Ring life buoys must be readily available but not positioned so they pose a threat of entanglement in work areas. They must be secured in such a way that they can be easily cast loose in the event of an emergency;

(7) At least one VHF-FM radio with a functioning channel 16 (156.8 MHz), International Distress, Safety and Calling Frequency, and one functioning AM radio (SSB-Single Side Band) capable of operating at 2182 KHz. Radios will be maintained in a radio room, chartroom or other suitable location;

(8) At least one Emergency Position Indicating Radio Beacon (EPIRB), approved by the U.S. Coast Guard for off-shore commercial use, stowed in a location so as to make it readily available in the event of an emergency;

(9) At least six hand-held, rocket-propelled, parachute, red-flare distress signals, and three orange-smoke distress signals stowed in the pilothouse or navigation bridge in portable watertight containers;

(10) All lights, shapes, whistles, foghorns, fog bells and gongs required by and maintained in accordance with the International Regulations for Preventing Collisions at Sea; and

(11) Clean and sanitary conditions in all living spaces, food service and preparation areas and work spaces aboard the vessel.

(e) *Observer transfers.* (1) The operator of the FFV must ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours as weather and sea conditions allow, and with the agreement of the observer involved. The FFV operator must provide the observer three hours advance notice of at-sea transfers, so that the observer may collect personal belongings, equipment, and scientific samples.

(2) The FFV's involved must provide a safe pilot ladder and conduct the transfer according to the procedures of § 611.6(d) to ensure the safety of the during the transfer.

(3) An experienced crew member must assist the observer in the small boat or raft in which the transfer is made.

(f) *Supplementary observers.* In the event funds are not available from Congressional appropriations of fees collected to assign an observer to a foreign fishing vessel, the appropriate Regional or Center Director will assign a supplementary observer to that vessel. The costs of supplementary observers will be paid for by the owners and operators of foreign fishing vessels as provided for in paragraph (i) of this section.

(g) *Supplementary observer authority and duties.* (1) A supplementary observer aboard a foreign fishing vessel has the same authority and must be treated in all respects as an observer who is employed by NMFS either directly or under contract.

(2) The duties of supplementary observers and their deployment and work schedules will be specified by the appropriate Regional or Center Director.

(3) All data collected by supplementary observers will be under the exclusive control of the Assistant Administrator.

(h) *Supplementary observer payment*—(1) *Method of payment.* The owners and operators of foreign fishing vessels must pay directly to the contractor the costs of supplementary observer coverage. Payment must be made to the contractor supplying supplementary observer coverage either by letter of credit or certified check drawn on a Federally chartered bank in U.S. dollars, or other financial institution acceptable to the contractor. The letter of credit used to pay supplementary observer fees to contractors must be separate and distinct from the letter of credit required by § 611.22(b)(2)(ii) of these regulations. Billing schedules will be specified by the terms of the contract between NOAA and the contractors beginning in FY 1986. During FY 1985, the billing schedule will be determined by the Assistant Administrator to ensure sufficient funding for the program. Billings for supplementary observer coverage will be approved by the appropriate Regional or Center Director and then transmitted to the owners and operators of foreign fishing vessels by the appropriate designated representative. Each country will have only one designated representative to receive observer bills for all vessels of that country except as provided for by the Assistant Administrator. All bills must be paid within ten working days of the billing date. Failure to pay an observer bill will constitute grounds to revoke fishing permits. All fees collected under this section will be considered interim in nature and subject to reconciliation at the end of the fiscal year in accordance with paragraph (h)(4) of this section and § 611.22(b)(3) of these regulations.

(2) *Contractor costs.* The costs charged for supplementary observer coverage to the owners and operators of foreign fishing vessels may not exceed the costs charged to NMFS for the same or similar services, except that contractors may charge to the owners and operators of foreign fishing vessels and additional fee to cover the administrative costs of the program not ordinarily part of contract costs charged to NMFS. The costs charged foreign fishermen for supplementary observers may include, but are not limited to the following:

(i) Salary and benefits, including overtime, for supplementary observers;

(ii) The costs of post-certification training required by paragraph (j)(2) of this section;

(iii) The costs of travel, transportation, and per diem associated with deploying supplementary observers to foreign fishing vessels including the cost of travel, transportation, and per diem from the supplementary observer's post of duty to the point of embarkation to the foreign fishing vessel, and then from the point of disembarkation to the post of duty from where the trip began. For the purposes of these regulations, the appropriate Regional or Center Director will designate posts of duty for supplementary observers;

(iv) The costs of travel, transportation, and per diem associated with the debriefing following deployment of a supplementary observer by NMFS officials; and

(v) The administrative and overhead costs incurred by the contractor and, if appropriate, a reasonable profit.

(3) *NMFS costs.* The owners and operators of foreign fishing vessels must also pay to NMFS as part of the surcharge required by section 201(i)(4) of the Magnuson, the following costs:

(i) The costs of certifying applicants for the position of supplementary observer;

(ii) The costs of any equipment, including safety equipment, sampling equipment, operations manuals, or other texts necessary to perform the duties of a supplementary observer. The equipment will be specified by the appropriate Regional or Center Director according to the requirements of the fishery to which the supplementary observer will be deployed;

(iii) The costs associated with communications with supplementary observers for transmission of data and routine messages;

(iv) For the purposes of monitoring the supplementary observer program, the costs for the management and analysis of data;

(v) The costs for data editing and entry;

(vi) Any costs incurred by NMFS to train, deploy or debrief a supplementary observer; and

(vii) The cost for U.S. Customs inspection for supplementary observers disembarking after deployment.

(4) *Reconciliation.* Fees collected by the contractor in excess of the actual costs of supplementary observer coverage will be refunded to the owners and operators of foreign fishing vessels, or kept on deposit to defray the costs of future supplementary observer coverage. Refunds will be made within 60 days after final costs are determined and approved by NMFS.

(i) *Supplementary observer contractors*—(1) *Contractor eligibility.* Supplementary observers will be obtained by NMFS from persons or firms having established contracts to provide NMFS with observers. In the event no such contract is in place, NMFS will use established, competitive contracting procedures to select persons or firms to provide supplementary observers. The services supplied by the supplementary observer contractors will be as described within the contract and as specified below.

(2) Supplementary observer contractors must submit for the approval of the Assistant Administrator the following:

(i) A copy of any contract, including all attachments, amendments, and enclosures thereto, between the contractor and the owners and operators of foreign fishing vessels for whom the

ractor will provide supplementary
rver services;

) All application information for
ons whom the contractor desires
mploy as certified supplementary
rvers;

i) Billing schedules and billings to
owners and operators of foreign
ing vessels for further transmis-
to the designated representative
he appropriate foreign nation; and

) All data on costs.

*Supplementary observers—certifi-
on, training*—(1) *Certification.*
appropriate Regional or Center
ctor will certify persons as quali-
for the position of supplementary
rver once the following conditions
met:

The candidate is a citizen or na-
al of the United States.

) The candidate has education or
erience equivalent to the education
xperience required of persons used
bservers by NMFS as either Feder-
personnel or contract employees.
education and experience re-
ed for certification may vary ac-
ling to the requirements of manag-
the foreign fishery in which the
plementary observer is to be de-
yed. Documentation of U.S. citizen-
or nationality, and education or
erience will be provided from per-
al qualification statements on file
NMFS contractors who provide
plementary observer services, and
not require the submission of ad-
onal information to NMFS.

) *Training.* Prior to deployment to
eign fishing vessels, certified sup-
nentary observers must also meet
following conditions:

) Each certified supplementary ob-
ver must satisfactorily complete a
rse of training approved by the ap-
priate Regional or Center Director
equivalent to that received by per-
s used as observers by the NMFS as
her Federal personnel or contract
ployees. The course of training may
y according to the foreign fishery
which the supplementary observer
o be deployed.

i) Each certified supplementary ob-
ver must agree in writing to abide
standards of conduct as set forth in
partment of Commerce Administrative Order 202-735 (as provided by the contractor).

(k) *Supplementary observer certification suspension or revocation.* (1) Certification of a supplementary observer may be suspended or revoked by the Assistant Administrator under the following conditions:

(i) A supplementary observer fails to perform the duties specified as provided for by paragraph (h)(2) of this section.

(ii) A supplementary observer fails to abide by the standards of conduct described by Department of Commerce Administrative Order 202-735.

(2) The suspension or revocation of the certification of a supplementary observer by the Assistant Administrator may be based on the following:

(i) Boarding inspection reports by authorized officers of the U.S. Coast Guard or NMFS, or other credible information, that indicate a supplementary observer has failed to abide by the established standards of conduct; or

(ii) An analysis by the NMFS of the data collected by a supplementary observer indicating improper or incorrect data collection or recording. The failure to properly collect or record data is sufficient to justify decertification of supplementary observers; no intent to defraud need be demonstrated.

(3) The Assistant Administrator will notify the supplementary observer in writing of the Assistant Administrator's intent to suspend or revoke certification, and the reasons therefor, and provide the supplementary observer a reasonable opportunity to respond. If the Assistant Administrator determines that there are disputed questions of material fact, then the Assistant Administrator may in this respect appoint an examiner to make an informal fact-finding inquiry and prepare a report and recommendations.

[50 FR 34979, Aug. 28, 1985, as amended at 54 FR 16371, Apr. 24, 1989]

§ 611.9 Recordkeeping.

(a) *General.* The owner and operator of each FFV must maintain timely and accurate records required by this section as modified by the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part).

(1) The owner and operator of each FFV must maintain all required records in English, based on Greenwich mean time (GMT) unless otherwise specified in the regulation, and make them immediately available for inspection upon the request of an authorized officer or observer.

(2) The owner and operator of each FFV must retain all required records on board the FFV whenever it is in the EEZ for three years after the end of the permit period.

(3) The owner and operator of each FFV must retain the required records and make them available for inspection upon the request of an authorized officer at any time during the three years after the end of the permit period, whether or not such records are on board the vessel.

(4) The owner and operator of each FFV must provide to the Assistant Administrator, in the form and at the times prescribed, any other information requested that the Assistant Administrator determines is necessary to fulfill the fishery conservation, management and enforcement purposes of the Magnuson Act.

(b) *Communications log.* The owner and operator of each FFV must record, in a separate communications log at the time of transmittal, the time and content of each notification made under § 611.4.

(c) *Transfer log.* Except for the transfer of unsorted, unprocessed fish via codend from a catching vessel to a processing vessel (activity code 2 or 4), the owner and operator of each FFV must record, in a separate transfer log, each transfer or receipt of any fish or fishery product, including quantities transferred or offloaded outside the EEZ. The operator must record in the log within twelve hours of the completion of the transfer:

(1) The time and date (GMT) and location (in geographic coordinates) the transfer began and was completed;

(2) The product weight, by species and product (use species and product codes from appendices D and E of this subpart), of all fish transferred to the nearest hundredth of a metric ton (0.01 mt); and

(3) The name, IRCS, and permit number of both the FFV offloading the fish and the FFV receiving the fish.

(d) *Daily fishing log.* (1) The owner or operator of each FFV authorized to catch fish (activity code 1) must maintain a daily fishing log of the effort, catch and production of the FFV, as modified by paragraph (d)(2) of this section and the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part). The operator must maintain on a daily and cumulative basis for the permit period a separate log for each fishery (see table 2 to appendix A to this subpart) in which the FFV is engaged according to this section and in the format specified in appendixx I to this subpart or other format authorized under paragraph (k) of this section. Daily effort entries are required for each day the vessel conducts fishing operations within the EEZ. Daily entries are not required whenever the FFV is in port or engaged in a joint venture in the internal waters of a State. Each page of log may contain entries pertaining to only one day's fishing operations or one gear set, whichever is longer.

(2) The owner or operator of each FFV authorized to catch fish (activity code 1) and which delivers all catches to a processing vessel, must maintain only SECTION ONE-EFFORT, of the daily fishing log, provided the processing vessel maintains a daily consolidated fishing log as described in paragraphs (f) and (g) of this section.

(e) *Daily fishing log—contents.* The daily fishing log must contain the following information, as modified by paragraph (d)(2) of this section and the fishery in which the FFV is engaged (see subparts C through G of this part), and be completed according to the format and instructions of appendixx I to this subpart or other format authorized under paragraph (k) of this section.

(1) SECTION ONE-EFFORT must contain on a daily basis—

(i) A consecutive page number beginning with the first day the vessel started fishing operations within the FCZ and continuing throughout the log;—

(ii) The date (based on (GMT);

(iii) The FFV's name;

(iv) The FFV's IRCS;

(v) The FFV's U.S. permit number;

(vi) The FFV's noon (1200 (GMT) position in geographic coordinates; and

(vii) The master or operator's signature or title.

(2) SECTION ONE-EFFORT must contain for each trawl or set, as appropriate to the gear type employed—

(i) The consecutive trawl or set number, beginning with the first set of the calendar year;

(ii) The fishing area in which the trawl or set was completed;

(iii) The gear type;

(iv) The time the gear was set;

(v) The position of the set;

(vi) The course of the set;

(vii) The sea depth;

(viii) The depth of the set;

(ix) The duration of the set;

(x) The hauling time;

(xi) The position of the haul;

(xii) The number of pots or longline units (where applicable);

(xiii) The average number of hooks per longline unit (where applicable);

(xiv) The trawl speed (where applicable);

(xv) The mesh size of the trawl's codend (where applicable); and

(xvi) The estimated total weight of the catch for the trawl of set, to at least the nearest metric ton round weight.

(3) SECTION TWO-CATCH must contain for each trawl or set—

(i) The consecutive set or trawl number from SECTION ONE;

(ii) The catch of each allocated species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight;

(iii) The prohibited species catch to at least the nearest tenth of a metric ton (0.1 mt) round weight or by number, as required by the regulations for the fishery in which the FFV is engaged; and

(iv) The species code of each marine mammal caught and its condition when released.

(4) SECTION TWO-CATCH must contain on a daily basis—

(i) The species codes for all allocated or prohibited species or species groups caught;

(ii) For each allocated species—the amount to at least the nearest tenth of a metric ton (0.1 mt) and the daily disposition, either processed for human consumption, used for fishmeal, or discarded; the daily catch by fishing area; the daily catch for all fishing areas; and the cumulative total catch;

(iii) For the total catch of allocated species—the amount to at least the nearest tenth of a metric ton (0.1 mt) and the daily disposition, daily total catch by fishing area, daily total catch for all fishing areas, and cumulative total catch; and

(iv) The catch by fishing area, daily total, and cumulative total of each prohibited species.

(5) SECTION THREE-PRODUCTION must contain on a daily basis for each allocated species caught and product produced—

(i) The product by species code and product type;

(ii) The daily product recovery rate of each species and product;

(iii) The daily total product produced by species to at least the nearest hundredth of a metric ton (0.01 mt);

(iv) The cumulative total of each product to at least the nearest hundredth of a metric ton (0.01 mt);

(v) The cumulative amount of product transferred;

(vi) The balance of product remaining aboard the FFV;

(vii) The total daily amount, cumulative amount, transferred product and balance of frozen product aboard the FFV to the nearest hundreth of a metric ton (0.01 mt); and

(viii) Transferred amount and balance of fishmeal and fish oil aboard to at least the nearest hundredth of a metric ton (0.01 mt).

(f) *Daily consolidated fishing log.* The owner or operator of each FFV which receives unsorted, unprocessed fish from foreign catching vessels (activity code 2) for processing must maintain a daily consolidated fishing log of the effort, catch and production of its associated foreign catching vessels and the processing vessel, as modified by the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part). This log is separate and in addition to any log required by paragraphs (d) and (e) of this section. The owner or operator must maintain a separate log for each fishery in which the FFV is engaged (see table 2 of appendix A to this subpart) on a daily and cumulative basis for the permit period according to this section and in the format specified specified in appendix J to this subpart or other format authorized by paragraph (k) of this section. Each page of the log may contain entries pertaining to only one day's fishing operations.

(g) *Daily consolidated fishing log—contents.* Daily consolidated fishing logs must contain the following information, as modified by the fishery in which the vessel is engaged (see subparts C through G of this part), and be completed according to the format and instructions of appendix J to this subpart of other format authorized under paragraph (k) of this section.

(1) SECTION ONE-EFFORT must contain on a daily basis that information required in paragraph (e)(1) of this section.

(2) SECTION TWO-CATCH must contain for each foreign catching vessel on a daily basis and by area—

(i) The name and IRCS of the foreign catching vessel;

(ii) The fishing area number from which the fish were caught (Where the foreign catching vessel caught fish in more than one area, a daily entry for each area must be made);

(iii) The receipts of each allocated species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight;

(iv) The receipts of each prohibited species and species group to at least the nearest tenth of a metric ton (0.1 mt) round weight, or by number, as required by the fishery in which the FFV is engaged; and

(v) The species code of each marine mammal received and its condition when released.

(3) SECTION TWO-CATCH must contain on a daily basis—

(i) The species codes for all allocated or prohibited species or species groups received;

(ii) For each allocated species—the amount to at least the nearest tenth of a metric ton (0.1 mt) and the daily disposition, either processed for human consumption, used for fishmeal, or discarded; the daily receipts by fishing area; the daily catch for all fishing areas; and the cumulative total catch;

(iii) For the total receipts of allocated species—the amount to at least the nearest tenth of a metric ton (0.1 mt) and the daily disposition, daily total receipts by fishing area, daily total receipts for all fishing areas, and cumulative total receipts; and

(iv) The receipts by fishing area, daily total and cumulative total of each prohibited species.

(4) SECTION THREE-PRODUCTION must contain on a daily basis for each allocated species received and product produced that information required in paragraph (e)(5) of this section.

(h) *Daily joint venture log.* The operator of each FFV which receives U.S.-harvested fish from U.S. fishing vessels in a joint venture (activity code 4) must maintain a daily joint venture log of the effort, catch and production of its associated U.S. fishing vessels and the processing vessel as modified by the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part). This log is separate and in addition to any log required by paragraphs (d) and (f) of this section. The operator must maintain a separate log for each fishery in which the FFV is engaged on a daily and cumulative basis according to this section and in the format specified in appendix K to this subpart or other format authorized under paragraph (k) of this section. Receipts of fish caught outside the EEZ must be included. Each page of the log may contain entries pertaining to only one day's fishing operations.

(i) *Daily joint venture log—contents.* Daily joint venture logs must contain the following information, as modified by the fishery in which the vessel is engaged (see subparts C through G of this part), and be completed according to the format and instructions of appendix K of this subpart or other format authorized under paragraph (k) of this section.

(1) SECTION ONE-EFFORT must contain on a daily basis that informa-

tion required in paragraph (e)(1) of this section.

(2) SECTION ONE-EFFORT must contain for each receipt of a codend—

(i) The consecutive codend number, beginning with the first codend received for the calendar year;

(ii) The name of the U.S. fishing vessel the codend was received from;

(iii) The fishing area where the codend was received;

(iv) The time the codend was received;

(v) The position the codend was received; and

(vi) The estimated weight of the codend to at least the nearest metric ton round weight.

(3) SECTION TWO-CATCH must contain for each codend received—

(i) The consecutive codend number from SECTION ONE;

(ii) The receipts of each authorized species or species group and its disposition, either processed for human consumption, used for fishmeal, discarded, or returned to the U.S. fishing vessel, to at least the nearest tenth of a metric ton (0.1 mt) round weight;

(iii) The estimated receipts of each prohibited species or species group and its disposition, either discarded or returned to the U.S. fishing vessel if authorized in the fishery in which the U.S. vessel is engaged, to at least the nearest tenth of a metric ton (0.1 mt) round weight; and

(iv) The species code of each marine mammal received and its condition when released.

(4) SECTION TWO-CATCH must contain on a daily basis—

(i) The species codes of all authorized or prohibited species or species groups received;

(ii) The daily disposition, as described in paragraph (i)(3)(ii) of this section, daily total, and cumulative total receipts of each authorized species or species groups;

(iii) The daily disposition, daily total and cumulative total receipts of all authorized species or species groups; and

(iv) The daily and cumulative total receipts of prohibited species groups and their disposition as described in paragraph (i)(3)(iii).

(5) SECTION THREE—PRODUCTION must contain on a daily basis for each authorized species or species group received and product produced that information required in paragraph (e)(5) of this section.

(j) *Daily log maintenance.* The logs required by paragraphs (e) through (i) of this section must be maintained separately for each fishery in subparts C through G (see Table 2 to appendix A to this subpart).

(1) The effort section (all of SECTION ONE) of the daily logs must be updated within two hours of the hauling or receipt time. The catch or receipt by trawl or set (SECTION TWO) must be entered within 12 hours of the hauling or receipt time. The daily and cumulative total catch or receipts (SECTION TWO) and the production portion (SECTION THREE) of the log must be updated within 12 hours of the end of the day on which the catch was taken. The date of catch is the day and time (GMT) the gear is hauled.

(2) Entries for total daily and cumulative catch or receipt weights (disposition "C"or "M") must be based on the most accurate method available to the vessel, either scale round weights or factory weights converted to round weights. Entries for daily and cumulative weights of discarded or returned fish (disposition "D" or "R") must be based on the most accurate method available to the vessel, either actual count, scale round weight, or estimated deck weights. Entries for product weights must be based on the number of production units (pans, boxes, blocks, trays, cans, or bags) and the average weight of the production unit, with reasonable allowances for water added. Allowances for water added cannot exceed five percent of the unit weight. Product weights cannot be based on the commercial or arbitrary wholesale weight of the product, but must be based on the total actual weight of the product as determined by representative samples.

(3) The owner or operator must make all entries in indelible ink with corrections to be accomplished by lining out and rewriting rather than erasure.

(k) *Alternative log formats.* As an alternative to the use of the specific formats described in appendices I, J, and

K to this subpart, a nation may submit a proposed log format for FFV's of that nation for a general type of fishery operation in a fishery (i.e. joint venture operations) to the appropriate Regional Director and the Coast Guard commander (see appendix A to this subpart). With the agreement of the Coast Guard commander, the Regional Director may authorize the use of that log format for vessels of the requesting nation.

[50 FR 34979, Aug. 28, 1985; 50 FR 43571, Oct. 28, 1985]

§ 611.10 Fishing operations.

(a) *Catching.* Each FFV authorized for activity code 1 may catch fish. An FFV may retain its catch of any species or species group for which there is an unfilled national allocation. All fish caught will be counted against the national allocation, even if the fish are discarded, unless exempted by the regulations of the fishery in which the FFV is engaged (see subparts C through G of this part). Catching operations may be conducted as specified by the regulations of the fishery in which the FFV is engaged and as modified by the FFV's permit.

(b) *Scouting.* Each FFV authorized for Activity Codes 1 through 6 may scout for fish. Scouting may be conducted only in the fisheries area authorized by the scouting vessel's permit and under such other circumstances as may be designated in these regulations or the permit.

(c) *Processing.* Each FFV with activity code 1 or 2 may process fish. Processing may only be conducted whenever and wherever catching operations for FFV's of that nation are permitted, whenever and wherever joint venture operations are authorized by an FFV's permit under activity code 4, and under such other circumstances as may be designated in these regulations or the permit.

(d) *Support.* Each FFV with activity code 1, 2, 3, 5, or 8 may support other permitted FFVs. Each FFV with activity code 4 or 6 may support U.S. vessels. Support operations may be conducted only in the fisheries areas authorized by the supporting vessel's permit, and under such other circumstances as may be designated in these regulations or the permit.

(e) *Joint ventures.* Each FFV with activity code 4 in addition to activity codes 1 or 2 may also conduct operations with U.S. fishing vessels. These joint venture operations with U.S. fishing vessels may be conducted throughout the EEZ, and under such other circumstances as may be designated in these regulations or the permit. FFV's with activity code 4 may continue operations assisting U.S. fishing vessels despite closures under § 611.13(a).

(f) Each FFV authorized by the Governor of a State under Section 306(c) of the Magnuson Act may engage in processing and support of U.S. fishing vessels within the internal waters of that State, in compliance with terms and conditions set by the authorizing Governor.

[50 FR 34979, Aug. 28, 1985, as amended at 55 FR 294, Jan. 4, 1990]

§ 611.11 Prohibited species.

(a) The owner or operator of each FFV must minimize its catch or receipt of prohibited species.

(b) After allowing for sampling by an observer (if any), the owner or operator of each FFV must sort its catch of fish received as soon as possible and return all prohibited species and species parts to the sea immediately with a minimum of injury, regardless of condition, unless a different procedure is specified by the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part). All prohibited species must be recorded in the daily fishing log and other fishing logs as specified by the regulations for the fishery in which the FFV is engaged.

(c) All species of fish which an FFV has not been specifically allocated or authorized under this part to retain, including fish caught or received in excess of any allocation or authorization, are prohibited species.

(d) It is a rebuttable presumption that any prohibited species or species part found on board an FFV was caught and retained in violation of this section.

§ 611.12 Gear avoidance and disposal.

(a) *Vessel and gear avoidance.* (1) FFV's arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose must ascertain the position and extent of gear already placed in the sea and must not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress. Vessels using mobile gear must avoid fixed fishing gear.

(2) The opeator of each FFV must maintain on its bridge a current plot of broadcast fixed-gear locations for the area in which it is fishing as required by the regulations for the fishery in which the FFV is engaged (see subparts C through G of this part).

(b) *Gear conflicts.* The operator of each FFV which is involved in a conflict or which retrieves the gear of another vessel must immediately notify the appropriate Coast Guard commander identified in appendix A to this subpart and request disposal instructions. Each report must include:

(1) The name of the reporting vessel;

(2) A description of the incident and articles retrieved including the amount, type of gear, condition, and identification markings;

(3) The location of the incident; and

(4) The date and time of the incident.

(c) *Disposal of fishing gear and other articles.* (1) The operator of an FFV in the EEZ may not dump overboard, jettison or otherwise discard any article or substance which may interfere with other fishing vessels or gear, or which may catch fish or cause damage to any marine resource, including marine mammals and birds, except in cases of emergency involving the safety of the ship or crew, or as specifically authorized by communication from the appropriate Goast Guard commander or other authorized officer. These articles and substances include but are not limited to fishing gear, net scraps, bale straps, plastic bags, oil drums, petroleum containers, oil, toxic chemicals or any manmade items retrieved in an FFV's gear.

(2) The operator of an FFV may not abandon fishing gear into the EEZ.

(3) If these articles or substances are encountered, or in the event of accidental or emergency placement into the EEZ, the vessel operator must immediately report the incident to the appraopriate Coast Guard Commander indicated in appendix A to this subpart, and give the information required in paragraph (b) of this section.

§ 611.13 Fishery closure procedures.

(a) Activity codes 1 and 2 for a fishery are automatically canceled in the following cases unless otherwise specified by subparts C through G to this part when—

(1) The optimum yield for any allocated species or species group has been reached in that fishery;

(2) The total allowable level of foreign fishing or catch allowance for any allocated species or species group has been reached in that fishery;

(3) The foreign nation's allocation for any allocated species or species group has been reached; or

(4) The letter of credit required in § 611.22(b)(2) is not established and maintained.

(b) Activity code 4 is automatically canceled when—

(1) The optimum yield for a species with a joint venture processing (JVP) amount is reached;

(2) The JVP amount for a species or species group is reached; or,

(3) The letter of credit required in § 611.22(b)(2) is not established and maintained.

(c) *Notification.* (1) The Regional Director is authorized to close a fishery on behalf of the Assistant Administrator. The Regional Director will notify each FFV's designated representative of closures.

(2) If possible, notice will be given 48 hours before the closure. However, each nation and the owners and operators of all FFV's of that nation are responsible for ending fishing operations when an allocation is reached.

(d) *Catch reconciliation.* Vessel activity reports, U.S. surveillance observations, observer reports, and foreign catch and effort reports will be used to make the determination listed in paragraphs (a) and (b) of this section. If NMFS estimates of catch or other values made during the season differ from those reported by the foreign fleets, efforts may be initiated by the designated representative of each nation to resolve such differences with NMFS. If, however, differences still persist after such efforts have been made, NMFS estimates will be the basis for decisions and will prevail.

(e) *Duration.* Any closure under this section will remain in effect until an applicable new or increased allocation or JVP becomes available or the letter of credit required by § 611.22(b)(2) is reestablished.

§ 611.14 Scientific research.

(a) The term *scientific research* contained in paragraph (r) of § 611.2 may include certain fishing activities such as the catching, taking, or harvesting of fish in commerical quantities, or the use of gear capable of catching, taking, or harvesting fish in commerial quantities, or fishing in areas, at times, for species, and with gear, any of which may not be otherwise authorized, if such activities are carried out in full cooperation with the United States.

(b) For the purpose of gathering additional management information, the Center Director may authorize limited *scientific research* as described in paragraph (a) of this section under terms and conditions to be specified by the Center Director.

§ 611.15 Recreational fishing.

(a) Foreign vessels conducting recreational fishing must comply only with this section, §§ 611.1, 611.2, 611.6(a)(1), and 611.7 (as applicable). Such vessels may conduct recreational fishing within the EEZ and within the boundaries of a State. Any fish caught may not be sold, bartered, or traded.

(b) The owners or operator and any other person on board any foreign vessel conducting recreational fishing must comply with any federal laws or regulations applicable to the domestic fishery while in the EEZ and any State laws or regulations applicable while in State waters.

§ 611.16 Relation to other laws.

(a) Persons affected by these rules should be aware that other Federal and State statutes may apply to their activities.

(b) Fishing vessel operators must exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to enforcement action under the International Convention for the Protection of Submarine Cables, and to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) and other laws which implement that Convention. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid, or when out of order, or broken.

APPENDIX A TO SUBPART A—ADDRESSES, AREAS OF RESPONSIBILITY AND COMMUNICATIONS

TABLE 1—ADDRESSES

NMFS Regional Directors	NFS Science and Research Directors	U.S. Coast Guard Commanders
Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester MA 01930; Telex: 940007; FAX: (508) 281-9333; Telephone: (508) 281-9300.	Director, Northeast Fisheries Center, National Marine Fisheries Service, NOAA, Woods Hole, MA 02543, Attn: Observer Program; Telex: 322200; FAX: (508) 548-5123 x258; Telephone: (508) 548-5123	Commander, Atlantic Area, U.S. Coast Guard, Governor's Island, New York, NY 10004; Telex: 126831; Telephone: (212) 668-7877.

TABLE 1—ADDRESSES—Continued

NMFS Regional Directors	NFS Science and Research Directors	U.S. Coast Guard Commanders
Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702; Telephone: (813) 893-3141.	Director, Southeast Fisheries Center, National Marine Fisheries Service, NOAA, 75 Virginia Beach Drive, Miami, FL 33149, Telephone: (305) 361-4284.	As above.
Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, Northeast, BIN C15700, Seattle, WA 98115; Telex: 9104442786; FAX: (206) 526-6426; Telephone: (206) 526-6150.	Director, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, 2725 Montlake Boulevard East, Seattle, WA 98112; FAX: (206) 442-4304; Telephone: (206) 442-1872.	Commander, Pacific Area, U.S. Coast Guard, Government Island, Alameda, CA 94501; Telex: 172343; Telephone: (415) 437-3700.
Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, AK 99801; Telex: 09945377; Telephone: (907) 586-7221.	Director, Alaska Fisheries Science Center, National Marine Fisheries Service, NOAA, 7600 Sand Point Way Northeast, BIN C15700, Bldg. 4, Seattle, WA 98115; Telex: 329422; FAX: (206) 526-4004; Telephone: (206) 526-4000.	Commander, Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, AK 99801; Telex: 45305; Telephone: (907) 586-7200, after hours: (907) 586-7340.
Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, CA 90731; Telephone: (213) 514-6197.	Director, Southwest Fisheries Center, National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, CA 92038; Telephone: (619) 546-7000.	Commander, Fourteenth Coast Guard District, 300 Ala Moana Boulevard, Honolulu, HI 96813; Telex: 392401; Telephone: (808) 546-7597.

TABLE 2—AREAS OF RESPONSIBILITY OF NMFS AND U.S. COAST GUARD OFFICES

Area of responsibility	Fishery	National Marine Fisheries Service	U.S. Coast Guard
Atlantic Ocean North of Cape Hatteras.	Northwest Atlantic Ocean Fishery, including the Hake Fishery.	Director, Northeast Center, Attn: Observer Program.	Commander, Atlantic Area.
Atlantic Ocean South of Cape Hatteras.	Atlantic Billfish and Sharks Fishery.	Director, Northeast Center, Attn: Observer Program.	Commander, Atlantic Area.
Gulf of Mexico	Royal Red Shrimp Fishery		
Caribbean Sea			
Pacific Ocean off the States of California, Oregon, and Washington.	Pacific Coast Groundfish Fishery.	Director, Northwest Region	Commander, Pacific Area.
		Director, Northwest Fisheries Science Center.	
North Pacific Ocean and Bering Sea off Alaska.	Gulf of Alaska Groundfish Fishery.	Director, Alaska Region	Commander, Seventeenth Coast Guard District.
	Bering Sea and Aleutian Islands Groundfish Fishery.	Director, Alaska Fisheries Science Center	
	Snail Fishery		
Pacific Ocean off Hawaii and Other U.S. Insular Possessions in the Central and Western Pacific.	Seamount Groundfish Fishery	Director, Southwest Region	Commander, Fourteenth Coast Guard District.
	Pacific Billfish, Oceanic Sharks, Wahoo, and Mahi-Mahi Fishery.	Director, Southwest Center	
	Precious Coral Fishery		

TABLE 3—U.S. COAST GUARD COMMUNICATIONS STATIONS AND FREQUENCIES

U.S. Coast Guard Communications Station	IRCS	Radiotelegraphy			Radiotelephone	
		kHz	mHz	Time[1]	Channel[2]	GMT time
Boston	NMF	500		All	B	All.
Portsmouth	NMN	500	8, 12	All	A	0200-1200.
			16	HJ	B, C	All.
					D	1200-0200 (On request).
Miami	NMA	500		All	B	All.
San Juan	NMR	500	8, 12	All	None	

TABLE 3—U.S. COAST GUARD COMMUNICATIONS STATIONS AND FREQUENCIES—Continued

U.S. Coast Guard Communications Station	IRCS	Radiotelegraphy			Radiotelephone	
		kHz	mHz	Time[1]	Channel[2]	GMT time
			16	HJ		
New Orleans	NMG	500		All	A	0200-1200.
					B, C	All.
					D	1200-0200.
					E	(On request).
San Francisco	NMC	500	8	All	A, B, C	All.
			6	HN	D	0200-2400.
			16	HJ	E	(On request).
Honolulu	NMO	500	8, 12	All	A, B, C	All.
			22	HJ	D, E	(On request).
Guam	NRV	500		All	None	
			8, 12	HN		
Kodiak	NOJ	500		All	B	All.
					A, C, D, and E	(On Request).

[1] HJ means 2 hours after sunrise until 2 hours before sunset, local time. HN means 2 hours before sunset until 2 hours after sunrise, local time.

[2] Carrier frequencies of duplex, high-frequency single-sideband channels are:

Letter	Shore transmit	Ship transmit
A	4428.7	4134
B	6506.4	6200
C	8765.4	8241
D	13113.2	12342
E	17307.3	16534

TABLE 4—ADDRESSES FOR REPORTS AND SUBMITTALS

Fishery	Permit applications § 611.3(d)	Activity reports § 611.4(c)	Weekly reports § 611.4(f)	Effort plan § 611.8(b)	Gear conflicts § 611.12(b)	Permit fees, poundage fees, surcharges, and observer fees § 611.22
Northwest Atlantic Ocean Fishery, including the Hake Fishery.	DOS	CG Atlantic Area, and NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program, and NMFS-F/EN13.	CG Atlantic Area	NMFS-F/CM1
Atlantic Billfish and Sharks Fishery. Royal Red Shrimp Fishery.	DOS	CG Atlantic Area, and NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program, and NMFS-F/EN13.	CG Atlantic Area	NMFS-F/CM1
Pacific Coast Groundfish Fishery.	DOS	CG Pacific Area, and NMFS-NWR.	NMFS-NWR	NMFS-AKC, and NMFS-F/EN13.	CG Pacific Area	NMFS-F/CM1
Gulf of Alaska Groundfish Fishery. Bering Sea and Aleutian Islands Groundfish Fishery.	DOS	CG District 17, and NMFS-AKR.	NMFS-AKR	NMFS-AKC, and NMFS-F/EN13.	CG District 17	NMFS-F/CM1
Snail Fishery						

TABLE 4—ADDRESSES FOR REPORTS AND SUBMITTALS—Continued

Fishery	Permit applications § 611.3(d)	Activity reports § 611.4(c)	Weekly reports § 611.4(f)	Effort plan § 611.8(b)	Gear conflicts § 611.12(b)	Permit fees, poundage fees, surcharges, and observer fees § 611.22
emount Groundfish DOS Fishery.	DOS	CG District 14, and NMFS-SWR.	NMFS-SWR	NMFS-SWR, and NMFS-F/EN13.	CG District 14	NMFS-F/CM1.
cific Billfish, Oceanic Sharks, Wahoo, and Mahimah Fishery.						
cious Coral Fishery.						

Abbreviations:
DOS—Department of State, OES-OFA, Washington, DC 20520.
NMFS-F/EN13—Chief, Office of Enforcement, National Marine Fisheries Service, Silver Spring Metro Center 1, 1335 East-est Highway, Silver Spring, MD 20910, Attn: F/EN13.
NMFS-F/CM1—Chief, Operations Support and Analysis Division, National Marine Fisheries Service, Silver Spring Metro nter 1, 1335 East-West Highway, Silver Spring, MD 20910, Attn: F/CM1.
NMFS-NWR—Director, Northwest Region (See Table 1).
NMFS-AKR—Director, Alaska Region (See Table 1).
NMFS-SWR—Director, Southwest Region (See Table 1).
NMFS-NEC—Director, Northeast Fisheries Center (See Table 1).
NMFS-AKC—Director, Alaska Fisheries Science Center (See Table 1).
CG Atlantic Area—Commander, Atlantic Area (See Table 1).
CG Pacific Area—Commander, Pacific Area (See Table 1).
CG District 14—Commander, Fourteenth Coast Guard District (See Table 1).
CG District 17—Commander, Seventeenth Coast Guard District (See Table 1).

50 FR 34979, Aug. 28, 1985, as amended at 54 FR 47681, Nov. 16, 1989; 54 FR 50306, Dec. 5, 989; 55 FR 1591, Jan. 17, 1990]

APPENDIX B TO SUBPART A—VESSEL ACTIVITY REPORTS

1. *ACTIVITY Report Format*

A. "From" line: Name of the FFV and its RCS.

B. "To" line: Include appropriate Coast Juard commander and NMFS region as ad- ressees.

C. Date: Expressed numerically as month nd day, based on GMT (two digits each), ollowed by letter "D" and a confirmation ode (A 2 digit sum of the 4 digits in the ate. A sum of less than 10 must be preced- d by a 0).

D. Time: Expressed in GMT followed by he letter "Z" (or other time zone descrip- ion required by the fishery) and a confir- nation code (2 digit sum of 4 digit time).

E. Latitude: To the nearest minute (4 igits) followed by the letter "N" and con- irmation code (2 digit sum of 4 digit lati- ude number).

F. Longitude: To the nearest minute (4 or digits) followed by the letter "E" or "W" as appropriate for longitude) and confirma- ion code (2 digit sum of digits in longitude).

G. Area Codes: See appendix C.

H. Species Codes: See appendix D.

I. Product: Fish or fisheries product expressed in metric tons (to at least the nearest tenth or hundredth of a metric ton, as appropriate).

J. Fishery Product Code: From appendix E, followed by a confirmation code (2 digit sum of the digits in the Species Code (if appropriate to the product) and the digits in the Product).

K. The general format of messages appears as follows (CC means confirmation code):

From: (FFV name, IRCS)
To: (Coast Guard Commander, City, State)
(NMFS Region, City, State)

VESREP

(FFV name)/(IRCS)/(DATE)D(CC)/(TIME)Z(CC)/(LATITUDE)N(CC)/(LONGITUDE) (E or W) (CC)/(AREA CODE)/(ACTION CODE)//

L. The general format for a report concerning Product would appear as follows (CC means confirmation code).

(SPECIES CODE)/(PRODUCT) (PRODUCT CODE) (CC)//(SPECIES CODE)/(PRODUCT) (PRODUCT CODE) (CC)// etc.

2. *BEGIN report.* Begin reports must be delivered to the appropriate Coast Guard

commander no later than 24 hours before fishing.

Example: The stern trawler NAVIS, LTUX, will begin fishing on March 11 at 1320 GMT. at position 59°30′ N. latitude, 142°30′ W. longitude, in the Yakutat fishing area (code 64) of the Gulf of Alaska. There are 105.5 metric tons of headed and gutted (use product code HG from appendix E to this subpart) Alaska pollock (use species code 701 from appendix D to this subpart), 53.0 metric tons headed and gutted (code HG) Pacific cod (code 702) and 35.0 metric tons of fish meal (code M) on board. The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

NAVIS/LTUX/0311D05/1320Z06/5930N17/14230W10/BEGIN//
PRODUCT ABOARD/701/105.5HG19//702/53.0HG17//35.0M08//

If no product was aboard the PRODUCT ABOARD line could be omitted.

3. *DEPART report.* Depart reports must be transmitted before departure and delivered within 24 hours of transmittal.

Example: The stern trawler NAVIS, LTUX, will depart the EEZ at position 45°15′ N. latitude, 124°20′ W. longitude on July 11 at 1800 GMT in the Columbia fishing area (code 71) in the Northeast Pacific Ocean, to make a port call. The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: COAST GUARD PACIFIC AREA, ALAMEDA, CALIFORNIA
NORTHWEST REGION, NMFS, SEATTLE, WASHINGTON

VESREP

NAVIS/LTUX/0711D09/1800Z09/4515N15/12420W09/71/DEPART//

4. *RETURN report.* Return reports must be transmitted before the returning to the grounds and delivered within 24 hours of transmittal.

Example: The stern trawler NAVIS, LTUX, will return from a port call to the EEZ on July 14 at 2230 GMT at position 44°45′ N. latitude, 124°33′ W. longitude in the Columbia area (code 71). The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: COAST GUARD PACIFIC AREA, ALAMEDA, CALIFORNIA
NORTHWEST REGION, NMFS, SEATTLE, WASHINGTON

VESREP

NAVIS/LTUX/0714D12/2230Z07/4445N17/12433W13/71/RETURN//

5. *SHIFT report.* Shift reports must be transmitted before leaving the original fishing area and delivered within 24 hours of transmittal. If an FFV is fishing within 20 nautical miles either side of a boundary the message must be transmitted before the last shift in fishing areas expected for that day, include all the day's shifts, and be delivered within 24 hours of its transmittal.

A. Example of standard SHIFT report. The longline vessel CABLE, EXRC, fishing in the Atlantic billfish and sharks fishery is shifting areas to Atlantic area 16. The vessel will begin fishing in area 16 on December 3 at 1000 GMT at position 36°35′ N. latitude, 73°25′ W. longitude. The required message would be transmitted as follows:

From: F/V CABLE, EXRC
To: COAST GUARD ATLANTIC AREA NEW YORK, NEW YORK
NORTHEAST REGION, NMFS GLOUCESTER, MASSACHUSETTS

VESREP

CABLE/EXRC/1203D06/1000Z01/3635N17/7325W17/16/SHIFT//

B. Example of SHIFT report when the FFV fishes on a boundary. The stern trawler NAVIS, LTUX, is fishing in area 22 in the Northwest Atlantic Ocean fishery. The vessel will begin fishing in area 23 on October 15 at 1115 GMT at position 39°01′ N. latitude, 73°10′ W. longitude. At 1720 GMT the vessel again SHIFTS to area 22 at position 38°59′ N. latitude, 73°07′ W. longitude. The vessel will remain within 20 nautical miles of the boundary. The required report would be transmitted as follows before the last EXPECTED SHIFT of the day:

From: F/V NAVIS, LTUX
To: COAST GUARD ATLANTIC AREA NEW YORK, NEW YORK
NORTHEAST REGION, NMFS GLOUCESTER, MASSACHUSETTS

VESREP

NAVIS/LTUX/1015D07/1115Z08/3901N13/7310W11/23/SHIFT//
NAVIS/LTUX/1015D07/1720Z10/3859N25/7307W17/22/SHIFT//

6. *JV OPS reports.* Reports of starting or ending joint venture receipts and operations must be transmitted before the event and delivered within 24 hours of their transmittal. They are in addition to the requirements of other activity reports.

Example: The stern trawler NAVIS, LTUX, will begin joint venture receipts or processing on July 9, 1983, at 1320 GMT at position 43°40′ N. latitude, 124°30′ W. longitude in the Columbia area (code 71): The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: COAST GUARD PACIFIC AREA, ALAMEDA, CALIFORNIA
NORTHWEST REGION, NMFS, SEATTLE, WASHINGTON

VESREP

NAVIS/LTUX/0709D16/1320Z06/4340N11/
12430W10/71/START JV OPS//

7. *TRANSFER reports.* Transfer reports must be transmitted prior to the transfer and delivered within 24 hours of transmittal.

Example: The refrigerated transport vessel SOPOV, LJUJ, will conduct a transfer with the stern trawler NAVIS, LTUX, on July 22 at 1900 GMT in position 58°30′ N. latitude, 175°10′ W. longitude in Bering Sea area 52 (code 52). The required message would be transmitted as follows:

From: M/V SOPOV, LJUJ
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

SOPOV/LJUJ/0722D11/1900Z10/5830N16/
17510W14/52//
TRANSFER/NAVIS/LTUX//

8. *OFFLOADED report.* Offloaded-to reports must be transmitted within 12 hours of the completion of the transfer and delivered before the FFV ceases fishing in the EEZ and within 24 hours of transmittal.

Example. The stern trawler NAVIS, LTUX, completed transfer operations with: the refrigerated transport vessel SOPOV, LJUJ, at 0900 GMT on July 24 at position 58°30′ N. latitude, 175°10′ W. longitude, in Bering Sea Area 52 (code 52). NAVIS transferred 130.10 metric tons of headed and gutted (code HG) Alaska pollock (code 701), 15.75 metric tons of headed and gutted (code HG) Pacific cod (code 702), 5.63 metric tons of pollock roe (codes 701 and R respectively) and 5.10 metric tons of fish meal (code M). The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

NAVIS/LTUX/0724D13/0900Z09/5830N16/
17510W14/52//
OFFLOADED TO/SOPOV/LJUJ//
701/130.10HG13//702/15.75HG27//701/
5.63R22//5.10M06//

9. *RECEIVED report.* Received-from reports must be transmitted within 12 hours of the completion of the transfer and delivered before the FFV ceases fishing in the EEZ and within 24 hours of transmittal. More than one operation may be reported in one report, provided the above time constraints are met for all operations.

Example: The refrigerated transport vessel SOPOV, LJUJ, completed transfer operations with the stern trawler, NAVIS, LTUX, at 0900 GMT on July 24 at position 58°30′ N. latitude, 175°10′ W. longitude, in Bering Sea Area 52 (code 52). NAVIS transferrred 130.00 metric tons of headed and gutted (code HG) Alaska pollock (code 701), 15.75 metric tons of headed and gutted (code HG) Pacific cod (code 702), 5.63 metric tons of pollock roe (codes 701 and R respectively) and 5.10 metric tons of fish meal (code M). The required message would be transmitted as follows:

From: M/V SOPOV, LJUJ
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA.
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

SOPOV/LJUJ/0724D13/0900Z09/5830N16/
17510W14/52//
Received from/NAVIS/LTUX//
701/130.OOHG12//702/15.75HG27/701/
5.63R22//5.IM06//

10. *CEASE report.* Cease reports must be delivered 24 hours before ceasing fishing and departing the EEZ.

Example: The stern trawler NAVIS, LTUX, will cease fishing on July 8 at 1215 GMT at position 57°30′ N. latitude, 168°30′ W. longitude in Bering Sea Area 51 (code 51.) The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA.
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

NAVIS/LTUX/0708D15/1215Z09/5730N15/
16830W18/51/CEASE//

11. *CHANGE report.* Change reports must be transmitted and delivered as though they were the original message.

Example: The stern trawler NAVIS, LTUX, was to have begun fishing on March 11 at 1320 GMT at position 59°30′ N. latitude, 142°30′ W. longitude in the Yakutat fishing area of the Gulf of Alaska. Bad weather delayed arrival on the fishing grounds until 1800 GMT on March 12. Since the delay is longer than four hours, a CHANGE report must be sent. Because the

message is considered as though it were an original BEGIN report the message must be delivered 24 hours in advance, or before 1800 GMT on March 11. The required message would be transmitted as follows:

From: F/V NAVIS, LTUX
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA,
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

CHANGE/NAVIS/LTUX/0311D05/ 1320Z06/TO//

NAVIS/LTUX/0312D06/1800Z09/5930N17/ 14230W10/64/BEGIN//

12. *CANCEL report.* Cancel reports must be transmitted and delivered prior to the time and date of the event in the original message.

Example: The stern trawler NAVIS, LTUX, was to have begun fishing on March 11 at 1320 GMT at position 59°30′ N. latitude, 142°30′ W. longitude in the Yakutat fishing area of the Gulf of Alaska and had sent the appropriate BEGIN message. The vessel has had mechanical problems and must return home before entering the EEZ. The required CANCEL message would be transmitted as follows:

From: F/VNAVIS, LTUX
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA,
ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

CANCEL/NAVIS/LTUX/0311D05/ 1320Z06/BEGIN//

13. *GROUP reports.* A fleet commander or other authorized person may send in reports for several vessels. An FFV operator submitting a report on behalf of another FFV is assumed to have the authorization to do so.

Example: The refrigerated transport vessel SOPOV, LJUJ, with a fleet commander on board, wishes to report for three stern trawlers in the fleet. The stern trawler NAVIS, LTUX, will begin fishing at 59°30′ N. latitude, 142°30′ W. longitude, in Yakutat fishing area (code 64) on March 11 at 1320 GMT. The stern trawler FISKVOL, LBEV, will temporarily depart the fishing grounds at 58°05′ N. latitude, 149°50′ W. longitude in the Kodiak fishing area (code 63) on March 12 at 1200 GMT to embark an observer. The stern trawler ALEXANDROV, LXDV, will cease fishing at 54°40′ N. latitude, 157°15′ W. longitude in the Chirikof fishing area (code 62) on March 13 at 0800 GMT to return to its home port. The required message would be transmitted as follows:

From: M/V SOPOV, LJUJ
To: 17TH COAST GUARD DISTRICT, JUNEAU, ALASKA, ALASKA REGION, NMFS, JUNEAU, ALASKA

VESREP

NAVIS/LTUX/0311D05/1320Z06/5930N17/ 14230W10/64/BEGIN//
FISKVOL/LBEV/0312D06/1200Z03/ 5805N18/14950W19/63/DEPART//
ALEXANDROV/LXDV/0313D07/0800Z08/ 5440N13/15715W19/62/CEASE//

Since the illustrated group report contains notice of the beginning of fishing at 1320 GMT on March 11, the message must be delivered to the 17th Coast Guard District Commander not later than 1320 GMT, March 10.

[50 FR 34979, Aug. 28, 1985; 50 FR 43571, Oct. 28, 1985]

Appendix C to Subpart A—Fishing Areas

A. Northwest Atlantic Ocean and Hake Fisheries (Figures 1a and 1b.)

1. For the purposes of § 611.4(c) of this part, fishing areas in the Northwest Atlantic are the areas shown in Figure 1a and described below.

Area code, name, and description

21, Atlantic Area 21, Atlantic EEZ between 35°00′ N. latitude and 37°00′ N. latitude
22, Atlantic Area 22, Atlantic EEZ between 37°00′ N. latitude and 39°00′ N. latitude
23, Atlantic Area 23, Atlantic EEZ north of 39°00′ N. latitude and west of 71°40′ W. longitude
24, Atlantic Area 24, Atlantic EEZ enclosed by a line connecting the following points in the order listed—

Point No.	Latitude	Longitude
1	Shore	71°40′ W.
2	39°00′ N	71°40′ W.
3	39°00′ N	70°00′ W.
4	Cape Cod	70°00′ W.

25, Atlantic Area 25, Atlantic EEZ between 39°00′ N. latitude and 42°20′ N. latitude and east of 70°00′ W. longitude
26, Atlantic Area 26, Atlantic EEZ north and west of Cape Code and a line connecting the following points in the order listed—

Point No.	Latitude	Longitude
1	Cape Cod	70°00′ W.
2	42°20′ N	70°00′ W.

Point No.	Latitude	Longitude
3	42°20′ N	The eastward limit of the EEZ.

2. For the purposes of § 611.4(f) and § 611.9, fishing areas in the Northwest Atlantic are the NMFS "Three digit statistical areas" described in Figure 2b.

best copy available

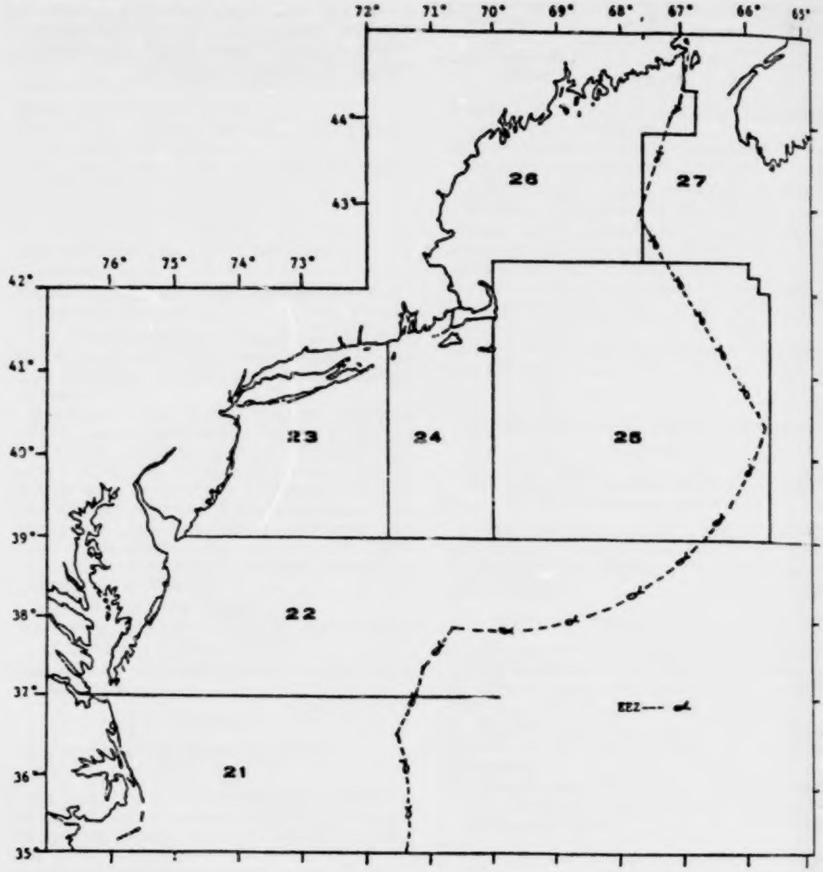

72°
71°
70°
69°
68°
67°
66°
65°
44°
43°
76°
75°
74°
73°
42°
41°
40°
39°
38°
37°
36°
35°
26
27
23
24
25
22
21
EEZ---

Figure 1a. to Appendix C: Fishing Areas for the Northwest Atlantic Ocean and Hake Fisheries for the purposes of 50 CFR 611.4(c).

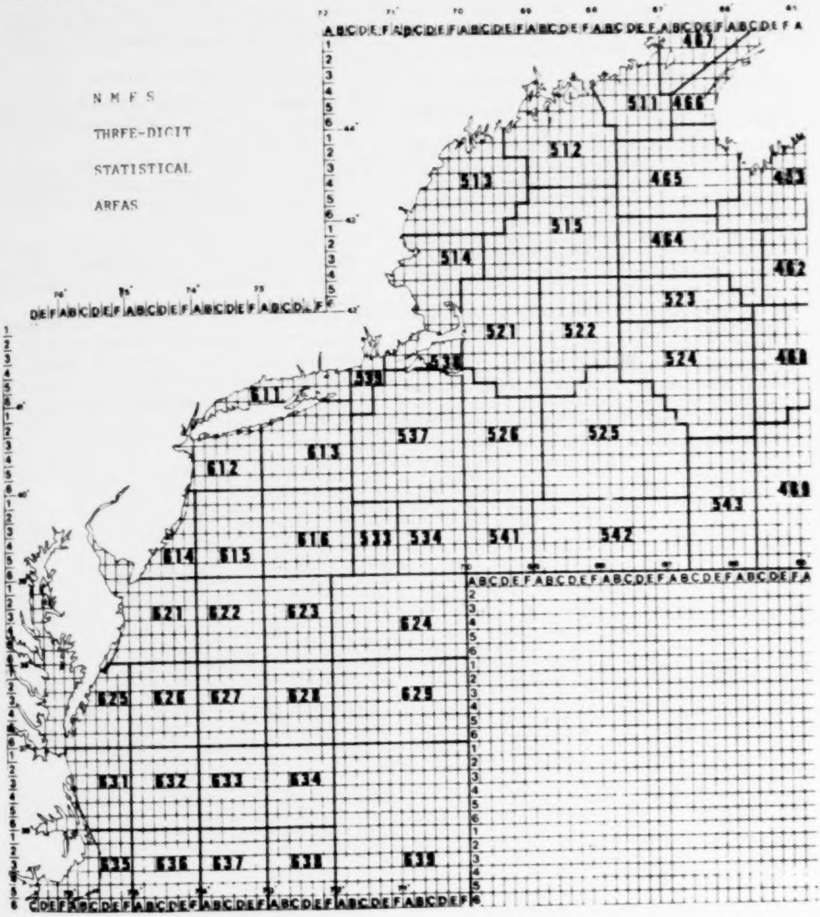

N M F S
THREE-DIGIT
STATISTICAL
AREAS
467
511
466
512
465
463
513
515
464
514
462
523
521
522
524
461
538
539
611
537
526
525
613
612
543
616
533
534
541
542
614
615
621
622
623
624
625
626
627
628
629
631
632
633
634
635
636
637
638
639

Figure 1b. to Appendix C: Fishing Areas for the Northwest Atlantic Ocean and Hake Fisheries for the purposes of 50 CFR 611.4(f) (Weekly reports) and 50 CFR 611.9 (Recordkeeping).

B. Atlantic Billfish and Sharks and Royal Red Shrimp Fisheries (Figure 2.)

Area code, Name and description

11, Caribbean Area 11, Virgin Islands. The EEZ off Puerto Rico and the U.S
12, Gulf of Mexico, Area 12. The EEZ in the Gulf of Mexico west of 93°00′ W. longitude
13, Gulf of Mexico, Area 13, The EEZ in the Gulf of Mexico east of 93°00′ W. longitude and west of 88°00′ W. longitude
14, Gulf of Mexico, Area 14. The EEZ in the Gulf of Mexico east of of 88°00′ W. longitude and EEZ in the Atlantic Ocean south of 25°18′ N. latitude
15, Atlantic Area 15. The EEZ in the Atlantic Ocean north of 25°18′ N. latitude and south of 36°30′ N. latitude
16, Atlantic Area 16. The EEZ in the Atlantic Ocean north of 36°30′ N. latitude and south of 41°00′ N. latitude
17, Atlantic Area 17. The EEZ in the Atlantic Ocean north of 41°00′ N. latitude

C. Pacific Coast Groundfish and Pacific Billfish and Sharks Fisheries (Figure 3.)

Area code, name and description

67, Vancouver. The EEZ of the North Pacific Ocean off Washington north of 47°30 N. latitude
71, Columbia. The EEZ of the North Pacific Ocean off Washington and Oregon south of 47°30′ N. latitude and north of 43°00′ N. latitude
72, Eureka. The EEZ of the North Pacific Ocean off Oregon and California south of 43°00′ N. latitude and north of 40°30′ N. latitude
73, Monterey. The EEZ of the North Pacific Ocean off California south of 40°30′ N. latitude and north of 36°00′ N. latitude
74, Conception. The EEZ of the North Pacific Ocean off California south of 36°00 N. latitude

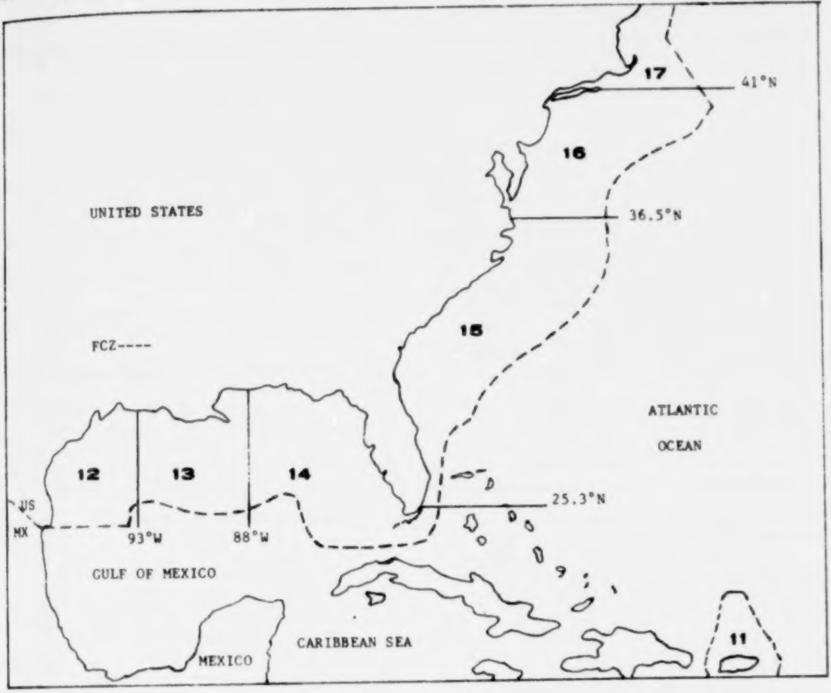

17
41°N
16
UNITED STATES
36.5°N
15
FCZ----
ATLANTIC
OCEAN
12
13
14
25.3°N
US
MX
93°W
88°W
GULF OF MEXICO
CARIBBEAN SEA
MEXICO
11

Figure 2. to Appendix C: Fishing Areas for the Atlantic Billfish and Sharks and Royal Red Shrimp Fisheries.

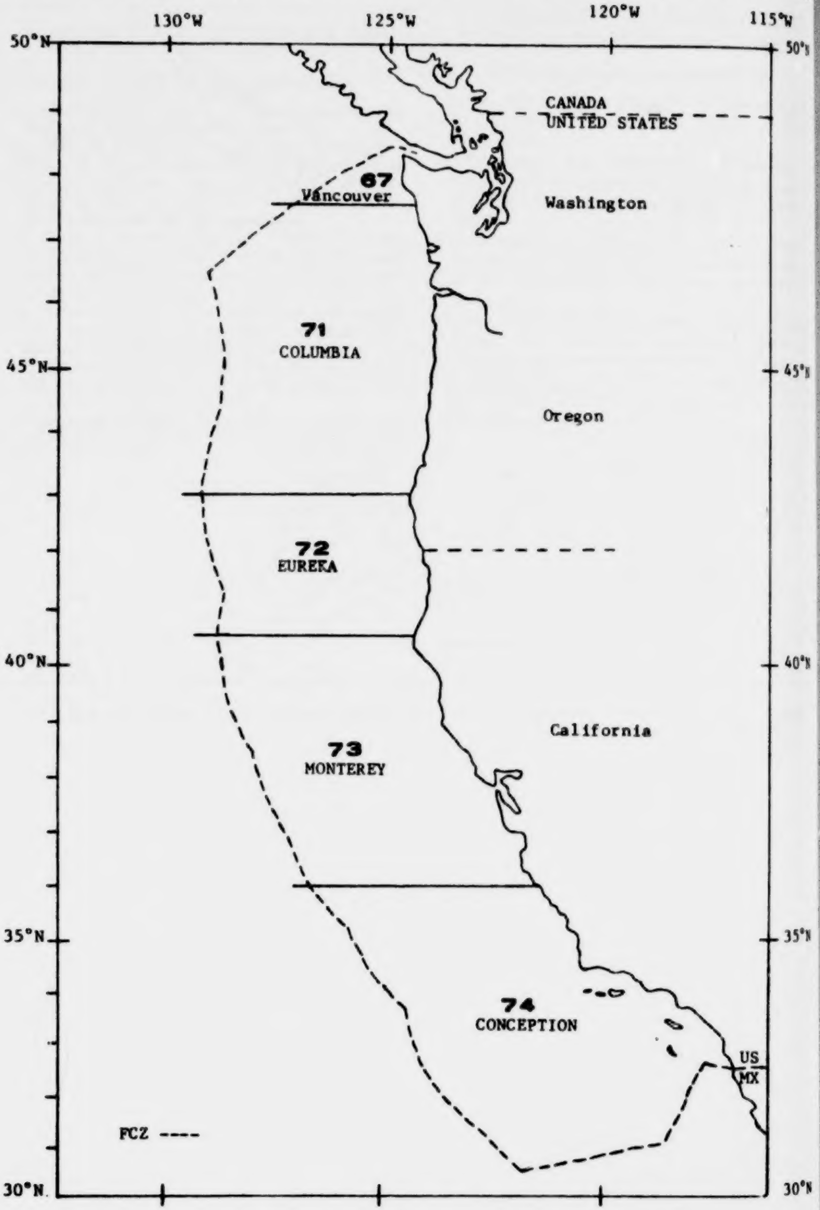

130°W
125°W
120°W
115°W
50°N
45°N
40°N
35°N
30°N
CANADA
UNITED STATES
67
Vancouver
Washington
71
COLUMBIA
Oregon
72
EUREKA
73
MONTEREY
California
74
CONCEPTION
US
MX
FCZ ----

Figure 3. to Appendix C: Fishing Areas for the Pacific Coast Groundfish and the Pacific Billfish and Sharks Fisheries.

D. Seamount Groundfish, Pacific Billfish and Sharks, and Precious Coral Fisheries

Area code, name, and description

81, Hawaii and Midway Islands. The EEZ at the Pacific Ocean off the Hawaiian and Midway Islands

82, Guam and Northern Mariana Islands. The EEZ of the Western Pacific Ocean off Guam and the Northern Mariana Islands

83, American Samoa. The EEZ of the South Pacific Ocean off American Samoa

84, Johnston Atoll. The EEZ off Johnston Atoll

85, Howland and Baker Islands. The EEZ of the Pacific Ocean off Howland and Baker Islands

86, Kingman Reef and Palmyra Atoll. The EEZ of the North Pacific Ocean off Kingman Reef and Palmyra Atoll

87, Jarvis Island. The EEZ of the Pacific Ocean off Jarvis Island.

88, Wake Island. The EEZ of the North Pacific Ocean off Wake Island

E. Gulf of Alaska Groundfish Fishery (Figure 4.)

Area Code, name and description

61, Shumagin. The EEZ of the Gulf of Alaska east of 170°00′ W. longitude and west of 159°00′ W. longitude

62, Chirikof. The EEZ of the Gulf of Alaska east of 159°00′ W. longitude and west of 154°00′ W. longitude

63, Kodiak. The EEZ of the Gulf of Alaska east of 154°00′ W. longitude and west of 147°00′ W. longitude

64, Yakutat. The EEZ of the Gulf of Alaska east of 147°00′ W. longitude and west of 137°00′ W. longitude

65, Southeastern. The EEZ of the Gulf of Alaska east of 137°00′ W. longitude and north of 54°30′ N. latitude

66, Charlotte. The EEZ of the North Pacific Ocean off Alaska south of 54°30′ N. latitude

F. Bering Sea and Aleutian Islands Groundfish and Snail Fisheries (Figure 4.)

Area code, name and description

50, Bering Sea Area 50. For the purposes of § 611.4(c) only, and for the period September 1 through April 30 GMT, an area described by rhumb lines connecting the following points in the order listed

Point No.	Latitude	Longitude
1	58°00′ N	175°00′ W.
2	58°00′ N	172°00′ W.
3	59°30′ N	172°00′ W.
4	59°30′ N	175°00′ W.
5	58°00′ N	175°00′ W.

51, Bering Sea Area 51. The EEZ of the Bering Sea north of the Aleutian Islands and east of 170°00″ W. longitude

52, Bering Sea Area 52. The EEZ of the Bering Sea north of the 55°00′ N. latitude, east of 180° longitude and west of 170°00′ W. longitude.

53, Bering Sea Area 53. The EEZ of the Bering Sea north of the 55°00′ N. latitude, east of the U.S.-Russian convention line of 1867, and west of 170°00′ W. longitude

54, Bering Sea Area 54. The EEZ of the Bering Sea and North Pacific Ocean off Alaska south of 55°00′ N. latitude, east of the U.S.-Russian Convention Line of 1867 and west of 170°00′ W. longitude

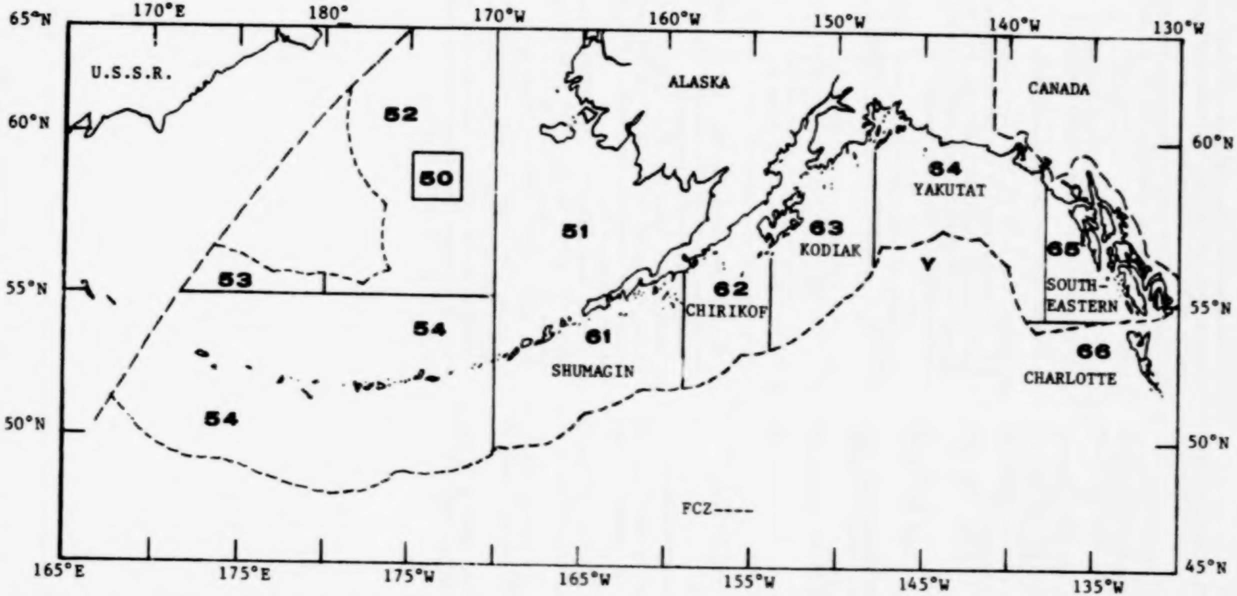

65°N
60°N
55°N
50°N
170°E
180°
170°W
160°W
150°W
140°W
130°W
60°N
55°N
50°N
45°N
165°E
175°E
175°W
165°W
155°W
145°W
135°W
U.S.S.R.
ALASKA
CANADA
52
50
51
53
54
54
61
SHUMAGIN
62
CHIRIKOF
63
KODIAK
64
YAKUTAT
Y
65
SOUTH-
EASTERN
66
CHARLOTTE
FCZ----

Figure 4. to Appendix C: Fishing Areas for the Gulf of Alaska Groundfish, Bering Sea and Aleutian Islands Groundfish, and Snail Fisheries.

[50 FR 34979, Aug. 28, 1985, as amended at 53 FR 24647, June 29, 1988]

APPENDIX D TO SUBPART A—SPECIES CODES

Code	Common name [1]	Scientific name

A. Atlantic Ocean and Gulf of Mexico Fishes

Finfish

Code	Common name [1]	Scientific name
101	Cod, Atlantic	*Gadus morhua.*
102	Haddock	*Melanogrammus aeglefinus.*
103	Redfish	*Sebastes marinus.*
104	Hake, silver	*Merluccius bilinearis.*
105	Hake, red	*Urophycis chuss.*
106	Pollock	*Pollachius virens.*
116	Flounder, yellowtail	*Limanda ferruginea.*
176	Scup	*Stenotomus chrysops.*
182	Tilefish	*Lopholatilus chamaeleonticeps.*
202	Herring, Atlantic	*Harengus harengus.*
204	Mackerel, Atlantic	*Scomber scombrus.*
206	Great barracuda	*Sphyraena barracuda.*
212	Butterfish	*Peprilus triacanthus.*
216	Menhaden, Atlantic	*Brevoortia tyrannus.*
228	Bluefish	*Pomatomus saltatrix.*
237	Pompano dolphin	*Coryphaena equisetis.*
238	Dolphin (mahimahi)	*Corphaena hippurus.*
240	Mackerel, king	*Scomberomorus cavalla.*
252	Sailfish	*Istiophorus platypterus.*
254	Longbill spearfish	*Tetrapturus pfluegeri.*
255	Wahoo	*Acanthocybium solanderi.*
256	Marlin, white	*Tetrapturus albidus.*
260	Marlin, blue	*Makaira nigricans.*
264	Swordfish	*Xiphias gladius.*
309	Herring, river (includes alewife, blueback herring, and hickory shad).	*Alosa pseudoharengus, Alosa asetivalis,* and *Alosa mediocris.*
310	Shad, American	*Alosa sapidissima.*
314	Croaker, Atlantic	*Micropogonias undulatus.*
318	Salmon, Atlantic	*Salmo salar.*
332	Bass, black sea	*Centropristis striata.*
401	Striped bass	*Morone saxatilis.*
414	Spot	*Leiostomus xanthurus.*
418	Weakfish	*Cynoscion regalis.*
462	Porbeagle shark	*Lamna nasus.*
463	Longfin mako shark	*Isurus paucus.*
464	Shortfin mako shark	*Isurus oxyrinchus.*
465	Blue shark	*Prionace glauca.*
469	Sharks (NS)	Squaliformes.
499	Finfishes (NS) (includes dogfish and non-allocated squid).	Osteichthyes, squalidae, and sepioid and teuthoid squids.

Invertebrates

Code	Common name [1]	Scientific name
502	Squid, long-finned	*Loligo pealei.*
504	Squid, short-finned	*Illex illecebrosus.*
509	Squid (NS) (See code 499—other finfish).	Sepioid and teuthoid squids.
619	Crabs, marine (NS)	
622	Lobster, northern	*Homarus americanus.*
630	Royal red shrimp	*Hymenopanaeus robustus.*
697	Shrimp (NS)	
699	Invertebrates, marine (NS).	

Code	Common name [1]	Scientific name

B. Pacific Ocean Fishes

Finfish

Code	Common name [1]	Scientific name
129	Flatfishes (NS)	Pleuronectiformes.
200	Pelagic Armorhead	*Pentaceros richardsoni.*
201	Alfonsin	*Beryx splendens.*
207	Atka mackerel	*Pleurogrammus monopterygius.*
208	Jack mackerel	*Trachurus symmetricus.*
209	Pacific herring	*Clupea harengus pallasi.*
210	Salmonids (NS)	Salmonidae.
237	Pompano dolphin (mahimahi).	*Coryphaena equisetis.*
238	Dolphin (mahimahi)	*Coryphaena hippurus.*
252	Sailfish	*Istiophorus platypterus.*
253	Black marlin	*Makaira indica.*
255	Wahoo	*Acanthocybium solanderi.*
260	Marlin, blue	*Makaira nigricans.*
261	Striped marlin	*Tetrapturus audax.*
262	Shortbill spearfish	*Tetrapturus angustirostris.*
263	Requiem sharks (NS)	Carcharhinidae.
264	Broadbill swordfish	*Xiphias gladius.*
265	Thresher sharks (NS)	Alopiidae.
266	Mackerel sharks (NS)	Lamnidae.
267	Hammerhead sharks (NS).	Sphyrnidae.
469	Sharks (NS)	Squaliformes.
499	Other species (NS)	See Subparts E, F, and G.
500	Non-specified species (NS).	See Subpart G.
701	Pollock (walleye, Alaska)	*Theragra chalcogramma.*
702	Pacific cod	*Gadus macrocephalus.*
703	Sablefish (black cod)	*Anoplopoma fimbria.*
704	Pacific whiting (hake)	*Merluccius productus.*
720	Yellowfin sole	*Limanda aspera.*
722	Pacific halibut	*Hippoglossus stenolepis.*
737	Turbot (includes arrowtooth flounder, Greenland halibut and Kamchatka flounder).	(*Atheresthes stomias, Reinhardtius hippoglossoides,* and *Atheresthes evermanni*).
780	Pacific ocean perch [2]	*Sebastes alutus.*
800	Shortbelly rockfish	*Sebastes jordani.*
804	Idiot rockfish	*Sebastolobus* spp.
849	Rockfish (NS)	Scorpaenidae.

Invertebrates

Code	Common name [1]	Scientific name
505	Korean horsehair crab	*Erimacrus isenbeckii.*
507	Lyre crab	*Hyas lyratus.*
509	Squid (NS)	Sepioid and teuthoid squids.
527	Black coral (NS)	*Antipathes* spp.
529	Clams (NS)	
539	Scallops (NS)	Pectinidae.
673	Snail (NS)	Gastropoda.
675	King crab	*Paralithodes* spp.
676	Tanner crab (NS) (Snow)	*Chionoecetes* spp.
682	Corals (NS)	
690	Dungeness crab	*Cancer magister.*
697	Shrimp (NS)	

C. Marine Mammals

Code	Common name [1]	Scientific name
915	Whale, beluga	*Delphinapterus leucas.*
930	Whale, false killer	*Pseudorca crassidens.*
934	Dolphin, rough-toothed	*Steno bredanensis.*
936	Dolphin, Atlantic white-sided.	*Lagenorhynchus acutus.*

Code	Common name [1]	Scientific name
936	Dolphin, Pacific white-sided.	*Lagenorhynchus obliquidens.*
940	Dolphin, common	*Delphinus delphis.*
941	Dolphin, bottlenosed	*Tursiops truncatus.*
942	Dolphin, Risso's (grampus).	*Grampus griseus.*
943	Dolphin, spotted	*Stenella attenuata.*
944	Dolphin, spinner	*Stenella longirostis.*
946	Dolphin, northern right-whale.	*Lissodelphis borealis.*
947	Porpoise, harbor	*Phocoena phocoena.*
949	Porpoise, Dall's	*Phocoenoides dalli.*
955	Sea lion, northern	*Eumetopias jubatus.*
956	Sea lion, California	*Zalophus californianus.*
958	Seal, northern fur	*Callorhinus ursinus.*
966	Walrus	*Odobenus rosmarus.*
967	Seal, harbor	*Phoca vitulina.*
973	Seal, ribbon	*Phoca fasciata.*
976	Seal, gray	*Halichoerus grypus.*
981	Seal, northern elephant	*Mirounga angustirostris.*
986	Sea otter	*Enhydra lutris.*
992	Whale, pilot (NS)	*Globicephala* spp.
993	Whale, baleen (NS)	Mysticeti.
994	Whale, toothed (NS)	Odontoceti.
995	Seal (NS)	Other Phocidae.
996	Sea lion (NS)	Otaridae.
998	Porpoise (NS)	Other Phocoenidae.
998	Dolphin (NS)	Delphinidae.

D. Other Species

069	Sea turtle (NS)	

APPENDIX E TO SUBPART A—FISHERY PRODUCT CODES

Fishery product	Code
Canned meat	CN
Fillets, with skin/two per fish	F
Fillets, without skin/two per fish	FN
Fillet, one-piece (butterfly) with skin	FB
Fillet, one-piece (butterfly), without skin	FBN
Fish meal	M
Fish oil	FO
Flounder steaks—diagonal cut from midsection of fish.	S
Flounder pieces—punched or stamped from midsection of fish.	ST
Gutted only	G
Gutted and gilled	GG
Headed only	H
Headed and gutted	HG
Headed, gutted, and tails removed	HGT
Heads, separate from remainder of fish	HDS
Intestinal organs separate from remainder of fish	IO
Other product (specify)	O
Otoshimi: Frozen minced fish product (Japan)	OS
Pectoral collars separate from remainder of fish	P
Roe separate from remainder of fish	R
Skate wings	SW
Squid or octopus, beak removed	BSO
Squid or octopus mantles	MSO
Squid or octopus tentacles	TSO
Surimi: Frozen minced fish product (Japan)	SU
Tara Shiniku: Frozen minced fish product (Japan)	TS
Tucza: heads, guts, fins, tail, and portions of belly flap removed (Poland).	TU
Whole fish	W

APPENDIX F TO SUBPART A—WEEKLY CATCH REPORT

A. Report Form Entries

1. Page numbering: Number each page i sequence and the total number of pages i each submission. For example, the pages o a report for the catches of three vessel would be numbered "Page 1 of 3", Page 2 o 3", and "Page 3 of 3."

2. Vessel name: Enter the vessel name a shown on the permit, flush left, up to 2 characters.

3. IRCS: Enter the vessel's internationa radio call sign, up to eight characters.

4. Permit number: Enter the curren permit number (without hyphens).

5. Week ending date: Enter the month an day on which the weekly reporting perio ended. A reporting period begins on Sunda at 0001 hours GMT (except during the firs week of each year when it begins on January 1) and ends on Saturday at 2400 hour GMT (except during the last week of eac year when it ends on December 31). Following month/day figure, insert the letter "D and a confirmation code (2 digit sum of th 4 digits in month/day figure).

For example, for the report period endin on Saturday, April 9, 1983, enter: 0409D13.

6. Area code: Enter the code from appendix C to this subpart, for each area in whic the vessel fished during the reportin period.

7. Days fished: Enter the number of day during which fishing gear was placed in th water in each fishing area duing the reporting period.

8. Species: Enter the code from appendi D to this subpart for each allocated specie caught during the reporting period and th code for each prohibited species caught a required by the fishery in which the FFV i engaged (see subparts C through G of thi part).

9. Catch: Enter the round weight, to th nearest tenth of a metric ton (0.1 mt) b species and area of allocated species caugh or received from catching vessels during th reporting period, regardless of whether retained or discarded, and the catch of prohibited species as required by the fishery i

---

[1] (NS) means non-specific as to species. This code must be used for all species of this species group unless a more specific code exists.

[2] Pacific ocean perch in the Alaska fisheries (Subpart G) includes the additional species of red rockfish—

Northern rockfish (*ebastes polyspinas*), Rougheye rockfish (*Sebastes aleutianus*), Shortraker rockfish (*Sebastes borealis*), and Sharpchin rockfish (*Sebastes zacentrus*).

which the FFV is engaged (see subparts C through G of this part). Entries containing catch weights of fish used for human consumption or used for fish meal (disposition "C" or "M") must be based on the most accurate method available to the vessel, either scale round weights or factory weights converted to round weights. Entries containing catch weights of discarded fish (disposition "D") must be based on the most accurate method available, either scale round weights, estimated deck weights, or number, as required by the fishery. Following the catch figure, insert the letter "D" and a confirmation code (2 digit sum of the digits in the species code and catch figure).

10. Designated representative: Enter the name of the designated representative who is responsible for submitting reports for the foreign nation.

11. Date: Enter the date the report is submitted to the NMFS by the designated representative.

3. Telex Reports

1. To ensure receipt of the Weekly Catch Report on time, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be mailed as confirmation. Designated representatives may include several vessel reports in one Telex message, provided it is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex must contain the message identifier "CATREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Catch Report. Data should be submitted as follows:

Vessel name/IRCS/Permit number/(Week ending date)D(confirmation code-CC)//
Area/Days fished//
Species/(Catch)P(CC)//Species/(Catch)P(CC)//etc.//
Area/Days fished//
Species/(Catch)P(CC)//Species/(Catch)P(CC)//etc.//

C. Example

1. The stern trawler NAVIS, LTUX, permit number LT-83-0001-A, entered the EEZ on Sunday, March 13, 1983, began fishing in the Yakutat area (code 64) of the Gulf of Alaska on March 15, and continued fishing in that area the morning of March 16. The afternoon of March 16 the vessel shifted to the Kodiak area (code 63), began fishing that evening, and continued fishing through Saturday, March 19, 1983. (Note that March 16 counts as a day fished in *both* area 64 and area 63). In the Yakutat area the vessel caught 121.6 tons of pollock (code 701), 17.8 tons of Pacific ocean perch (code 780), and 8.0 tons of Atka mackerel (code 207). In the Kodiak area the vessel caught 23.4 tons of pollock, 23.7 tons of Pacific ocean perch, 86.4 tons of Atka mackerel, and 0.4 tons of sablefish (code 703).

2. The text of the Telex report would appear as follows:

CATREP

NAVIS/LTUX/LT830001A/0319D13//
64/2//
701/121.6P18//780/17.8P31//207/8.0P17//
63/4//
701/23.4P17//780/23.7P27//207/86.4P27//703/0.4P14//

3. The completed form would appear as follows:

OMB CONTROL NO. 0648
EXPIRATION DATE 01/3

WEEKLY CATCH REPORT

Page _____ of

VESSEL NAME

/ /

PERMIT NUMBER **IRCS** **WEEK ENDI MONTH/DAY**

/ /

AREA CODES	DAYS FISHED	SPECIES CODES											

DESIGNATED REPRESENTATIVE ______________________ DATE ________

Figure 1. to Appendix F

APPENDIX G TO SUBPART A—WEEKLY JOINT VENTURE RECEIPTS REPORT

A. Report From Entries

1. Page numbering, vessel name, IRCS, permit number, week ending date, area code, designated representative, and date must be entered in accordance with the instructions for the Weekly Catch Report contained in appendix F paragraphs A, 1-6, 10 and 11.

2. Vessels delivering (V): Enter the number of U.S. vessels which transferred codends in each area during the reporting period.

3. Codends received (T): Enter the number of codends received from U.S. vessels which were caught in that area.

4. Species: Enter the code from appendix D to this subpart of each authorized or prohibited species or species group received during the reporting period.

5. Amounts received: Enter the round weight, to the nearest tenth of a metric ton (0.1 mt), by species and area, of species received from vessels of the U.S. during the reporting period and as required by the regulations of the fishery in which the FFV is engaged (see subparts C through G of this part). After the amount, enter the letter "P" to indicate the final disposition of the receipts as: processed, frozen, eaten by the crew, or otherwise used for human consumption (disposition C), whether or not part of the catch went to fishmeal or oil; used for fishmeal (disposition M); or discarded (disposition D). Enter the letter "R" to indicate the receipts which were subsequently returned to the U.S. vessel (disposition R), when allowed by the fishery in which the FFV is engaged. Entries containing receipt weights (disposition "C" or "M") must be based on the most accurate method available to the vessel, either scale round weights or factory weights converted to round weights. Entries for discards or returns (disposition "D" or "R") must be based on the most accurate method available to the vessel, either scale round weight, estimated deck weight, or number, as required by the fishery. After the code letter, enter a confirmation code (2 digit sum of the digits in species code and amounts received figure).

6. Participating vessels: Enter the names of U.S. vessels transferring codends to the FFV during the reporting period.

B. Telex Reports

1. To ensure receipt of the Weekly Joint Venture Receipts Report on time, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be mailed as confirmation. Designated representatives may include several vessel reports in one Telex message, provided it is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex must contain the message identifier "RECREP" as the first group of the text to indicate that the information which follows constitutes a Weekly Joint Venture Receipt Report. Data should be submitted as follows:

Vessel name/IRCS/Permit number/(Week ending date)D(confirmation code)// Area//

Species/(Amount received) (Disposition "P" or "R") (confirmation code)/Species/ (Amount received) (Disposition) (confirmation code)//etc.//

Number of vessels transferring codends// Codends transferred//Area//

Species/(Amount received) (Disposition) (confirmation code)//Species/(Amount received) (Disposition) (confirmation code)//etc.//

Number of vessels transferring codends// Codends transferred//

Name of participating vessel//Name of participating vessel//etc.//

C. Example

1. The stern trawler NAVIS, LTUX, operating under permit number LT-83-0001-A which authorizes the receipt of U.S. harvested Alaska pollock and other associated species in the Bering Sea and Aleutian Islands groundfish fishery, received 26 codends from the U.S. vessesl LUCKY, MARY J, EMILY J, and LINDA C in the Bering Sea area 52 from June 5 through June 8, 1983, containing the following species and amounts: Alaska pollock (code 701), 156.3 mt; rockfishes (code 849), 0.2 mt; Pacific cod (code 702), 27.0 mt; turbot (code 737), 5.0 mt; and other species (code 499 4.9 mt. The codends also contained 25 salmon, a prohibited species required to be logged by number in the Bering Sea and Aleutian Islands groundfish fishery (see § 611.92). On June 8, NAVIS shifted its area of operations and received 20 codends from the U.S. vessels, MARY J, EMILY J, and LINDA C in Bering Sea area 54 from June 8 through June 11. NAVIS received the following species and amounts: Alaska pollock (code 701), 75.4 mt; rockfishes (code 849), 3.1 mt; Pacific cod (code 702), 30.2 mt; turbot (code 737), 7.5 mt; and other species (code 499), 7.1 mt. The codends contained 15 salmon and 20 halibut, both prohibited species required to be logged by number in the fishery.

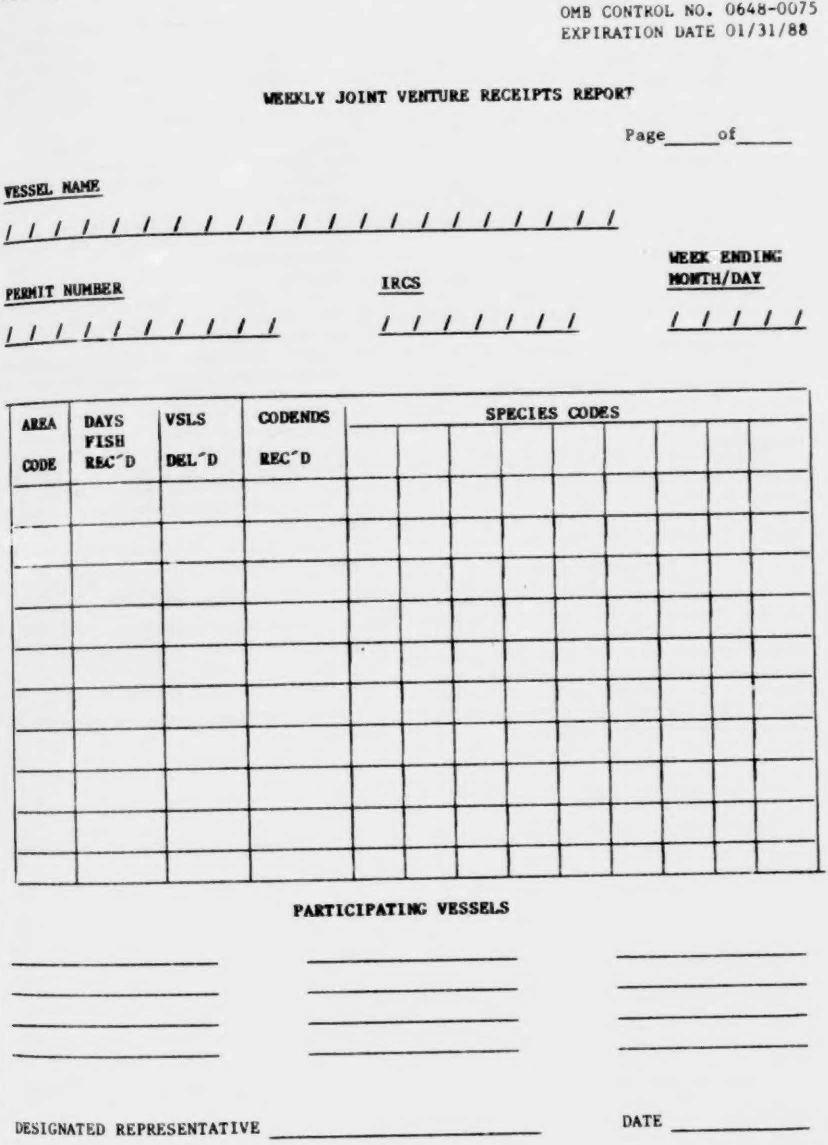
2. The text of the Telex report would appear as follows:

RECREP

NAVIS/LTUX/LT830001A/061D08//
52/4//

701/156.3P23//849/0.2P23//702/27.0P18//
737.5.0P22//499/4.9P35//
210/25P10//V4//T26//
54/4//
701/75.4P24//849/3.1P25//702/30.2P14//
737/7.5P29//499/7.1P30//
210/15P10//722/20P13//V3//T20//
LUCKY//MARY J//EMILY J//L
C//

The completed form would appear
lows:



OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

WEEKLY JOINT VENTURE RECEIPTS REPORT

Page_____of_____

VESSEL NAME

/ /

PERMIT NUMBER

/ / / / / / / / / /

IRCS

/ / / / / / /

WEEK ENDING MONTH/DAY

/ / / / /

AREA CODE	DAYS FISH REC'D	VSLS DEL'D	CODENDS REC'D	SPECIES CODES								

PARTICIPATING VESSELS

DESIGNATED REPRESENTATIVE ______________________ DATE ____________

Figure 1. to Appendix G

APPENDIX H TO SUBPART A—WEEKLY MARINE MAMMAL REPORT

A. Report Form Entries

1. Page numbering, vessel name, IRCS, permit number, designated representative, and date must be entered in accordance with the instructions for the Weekly Catch Report contained in appendix F, paragraphs A, 1-4, 10, and 11.

2. For each mammal caught enter—

a. Date caught. Enter the month and day e.g., for May 6, 1983, enter: 0506;

b. Latitude and longitude to the nearest degree;

c. Species code from Appendix D to this subpart;

d. Status code as follows: 1—Killed during capture; 2—Injured during capture; 3—Dead before capture (decomposed); and 4—Uninjured; and

e. Number of mammals caught where two or more of the same species and status were caught together.

f. Flag or nation of registry of vessel that caught the marine mammal.

B. Telex Reports

1. To ensure receipt of the Weekly Marine Mammal Report on time, Telex reports may be used. If a Telex report is submitted, a completed copy of the report form must be mailed as confirmation. Designated representatives may include several vessel reports in one Telex message provided it is submitted on a vessel-by-vessel basis.

2. Reports submitted by Telex mu
tain the message identified "MAMR
the first group of the text to indica
the information which follows const
Weekly Marine Mammal Report.
should be submitted as follows:

Vessel name/IRCS/Permit number//
Date/Latitude/Longitude/Species/
Condition/Number caught/Flag of
catching mammal//
Date/Latitude/Longitude/Species/
Condition/Number caught/Flag of
catching mammal//

C. Example

1. The stern trawler NAVIS,
permit number LT-83-0001-A, began
in the Bering Sea Area 52 on April 2
No marine mammals were taken inc
to fishing activities until May 15 wh
harbor seals (code 967) were taken a
N. latitude, 171°25′ W. longitude. O
killed during retrieval of the trawl a
other was uninjured. On May 17, at
N. latitude, 171°40′ W. longitude, a no
sea lion (code 955) was injured durin
ture by a U.S. vessel delivering its ca
the NAVIS.

2. The text of the Telex report
appear as follows:

MAMREP

NAVIS/LTUX/LT830001A//
0515/56N/171W/967/1/1/LT//
0515/56N/171W/967/4/1/LT//
0517/57N/172W/955/2/1/US//

3. The completed form would app
follows:

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

WEEKLY MARINE MAMMAL REPORT

Page_____of_____

VESSEL NAME

/ /

PERMIT NUMBER

/ / / / / / / / / /

IRCS

/ / / / / / /

MONTH/DAY

/ / / / /

CONDITION CODES
1. KILLED DURING CAPTURE
2. INJURED DURING CAPTURE
3. DEAD BEFORE CAPTURE (DECOMPOSED)
4. UNINJURED

RECORD THE CATCH OF INDIVIDUAL ANIMALS UNLESS TWO OR MORE WERE TAKEN TOGETHER AND WERE IN THE SAME CONDITION

DATE (MM/DD)	LATITUDE (DEGREES)	LONGITUDE (DEGREE)	SPECIES CODE	STATUS CODE	NUMBER	FLAG

DESIGNATED REPRESENTATIVE ______________________ DATE __________

Figure 1. to Appendix H

APPENDIX I TO SUBPART A—DAILY FISHING LOG

A. Format

1. The log must contain entries for each day of fishing. Each page of the log may contain entries pertaining to only one day's fishing operations or one gear set, whichever is longer.

2. Each day's entries must be divided into three sections. The sections are not required to be on the same page of the log. There may be more or fewer lines and columns in each section to accommodate fishing operations and factory production. The sections must include:

(a) Section One: Vessel particulars and fishing effort.

(b) Section Two: Catch statistics.

(c) Section Three: Production statistics.

3. Each log must contain a cover page with the vessel name, IRCS, and permit number.

B. Format entries

1. Section One—Effort (to be completed within 2 hours after the beginning of the day or 2 hours after the hauling time, as appropriate):

(a) Date: Enter the date based on GMT on which the catch was taken.

(b) Vessel name: Enter name.

(c) IRCS: Enter international radio call sign or other vessel identification as required by 50 CFR 611.5(a)(2).

(d) U.S. permit number: Enter vessel's permit number.

(e) Noon position: Enter the vessel's geographic coordinates (latitude/longitude to the nearest 0.1 of a minute) at noon (1200 hours) GMT.

(f) Noon weather: Enter the observed weather (optional).

(g) Master: Enter master or operator's signature and title.

(h) Trawl or set number: Enter consecutive numbers for each trawl or set made, beginning with the first trawl or set completed in the current calendar year.

(i) Fishing area number: Enter the code number (from Appendix C to this subpart) of the fishing area where each trawl or set was completed.

(j) Gear type: Enter the abbreviation for type of gear used as described below.

Gear type	Standard abbreviation
Bottom otter trawl (side)	OTB-1
Bottom otter trawl (stern)	OTB-2
Off-bottom otter trawl (see § 611.50(c)(5) for definition of this gear).	OTB-3
Midwater otter trawl (side)	OTM-1
Midwater otter trawl (stern)	OTM-2
Bottom pair trawl	PTB
Midwater pair trawl	PTM
Purse seine	PS
Gillnets (set)	GNS
Gillnets (drift)	GND
Gillnets (fixed)	GNF
Longlines (set)	LLS
Longlines (drift)	LLD
Traps or Pots	FIX
Danish seine	DS
Miscellaneous gears (other than above)	MLS

(k) Set time: Enter the time based
GMT at which each set or trawl began.
trawls, this is the time of the net
reaches the fishing level and the win
stop paying out cable. For longline, pot,
gillnet vessls, this is the time the first
tion of gear is placed in the water.

(l) Set position: Enter the geographic
ordinates (latitude/longitude) where e
trawl or set began. For trawls, this is the
sition at which the net reaches the fis
level and the winches stop paying out c
For longline, pot, and gillnet vessels, th
the position where the first section of
is placed in the water.

(m) Course of set: Enter the ves
course (degrees true) at the set time
which each trawl or set began.

(n) Sea depth: Enter the average
depth in meters.

(o) Depth of set: Enter the average de
in meters at which the gear was set
towed.

(p) Duration of set: Enter the ela
time in minutes from the set time to
hauling time of each set or trawl.

(q) Hauling time: Enter the ending t
based on GMT when each trawl or set
hauled. For trawls this is the time the
begins to be hauled up. For longline,
and gillnet vessels, this is the time that
trieval of the gear is complete.

(r) Hauling position: Enter the geogra
coordinates (latitude/longitude) at wh
the set or trawl was hauled. For trawls
is the position at which the net begins to
hauled up. For longline, pot, and gillnet
sels this is the position of the last section
end of the gear.

(s) No. of pots or longline units: For lo
line or gillnet vessels only, enter
number of longline or gillnet units (spec
the length in fathoms per unit). For pot
sels only, enter the number of pots set.

(t) No. of hooks per longline unit:
longline vessels only, enter the aver
number of hooks per unit of groundline.

(u) Trawl speed: For trawlers only, en
the average speed to the nearest tenth o
knot at which the gear was towed.

(v) Net mesh size: Enter the millime
mesh size of the cod end (trawlers) or g

net (measured when wet after stretching, from the inside of one knot to the inside of the opposing knot).

(w) Estimated haul weight: Enter the estimated total weight of the catch for the trawl or set to at least the nearest metric ton round weight.

2. Section Two—Catch (to be completed within 12 hours after the end of the trawl or set or within 12 hours after the end of the day, as appropriate):

(a) Species: Enter the species code for each species caught for which there is an applicable national allocation, even if the fish are discarded. Use the appropriate species code from Appendix D to this subpart.

(b) Set/trawl number: Enter the number corresponding with sets or trawls listed in Section One.

(c) Catch: Enter the catch by species and by trawl or set, to at least the nearest tenth of a metric ton (0.1 mt) round weight. Enter zero (0) if there was no catch of a listed species.

(d) Daily disposition: For each species, specify the daily disposition to at least the nearest 0.1 mt as follows: Enter under "C" the round weight of fish consumed on board and for fish which are frozen in whole or in part or otherwise processed other than for fishmeal; enter under "M" the weight of whole fish which are processed for fishmeal or oil; and enter under "D" the round weight of whole fish which are discarded. The entries under "C" must be for round weight even though some part of the fish is used for fishmeal or oil.

(e) Area total: Enter the total daily catch by species in each fishing area in which the fish were caught, to at least the nearest 0.1 mt round weight.

(f) Daily total: Enter the total daily catch by species, to at least the nearest 0.1 mt round weight.

(g) Cumulative total: Enter the cumulative total catch by species, to at least the nearest 0.1 mt round weight.

(h) Total catch:

(1) Daily total: Enter the daily total for all species to at least the nearest 0.1 mt round weight for each category of disposition (C, M, and D) and each fishing area.

(2) Cumulative total: Enter the cumulative total for all species to at least the nearest 0.1 mt round weight for each category of disposition (C, M, and D).

(i) Prohibited species: Enter the species code, the number of individual animals or parts, or the round weight to at least the nearest 0.1 mt of all prohibited species discarded from each set or trawl as required by the fishery in which the FFV is engaged (see subparts C through G of this part). Enter the daily and cumulative total for each prohibited species.

(j) Marine mammals: Enter the species code from appendix D to this subpart, number of animals caught (if more than one of the same species and condition), and condition code (1—Killed during capture; 2—Injured during capture; 3—Dead before capture (decomposed); and 4—Uninjured) for each incident.

3. Section Three—Production (to be completed within 12 hours after the end of the day):

(a) Species: Enter the species code from appendix D to this subpart for each species caught for which there is a national allocation.

(b) Products: Enter the product code from appendix E to this subpart for each frozen or canned product produced.

(c) PRR %: Enter the daily product recovery rate (PRR) to the nearest percentage (example: 27%) for each type of product per species. This is a ratio expressed as a percentage of the weight of processed product divided by the round weight of fish used to produce that amount of product.

(d) Daily total: Enter the daily total of each product produced per species to at least the nearest hundredth of a metric ton (0.01 mt).

(e) Cumulative total: Enter the cumulative total of each product produced per species to at least the nearest hundredth of a metric ton (0.01 mt).

(f) Amount transferred: Enter the cumulative total of each product per species transferred off the vessel either inside or outside of the EEZ (including products delivered to a port by the fishing vessel) to at least the nearest 0.01 mt.

(g) Balance: Enter the cumulative total of each product per species aboard the vessel to at least the nearest 0.01 mt.

(h) Total frozen product: Enter the total for all species to at least the nearest 0.01 mt of the daily total, cumulative total, amount transferred, and quantity remaining onboard.

(i) Meal and Oil:

(1) Daily total: Enter the daily total produced to at least the nearest 0.01 mt.

(2) Cumulative total: Enter the cumulative total produced to at least the nearest 0.01 mt.

(3) Amount transferred: Enter the cumulative total transferred to at least the nearest 0.01 mt.

(4) Balance: Enter the cumulative total aboard the vessel to at least the nearest 0.01 mt.

(j) A daily fishing log form is illustrated below.

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

DAILY FISHING LOG

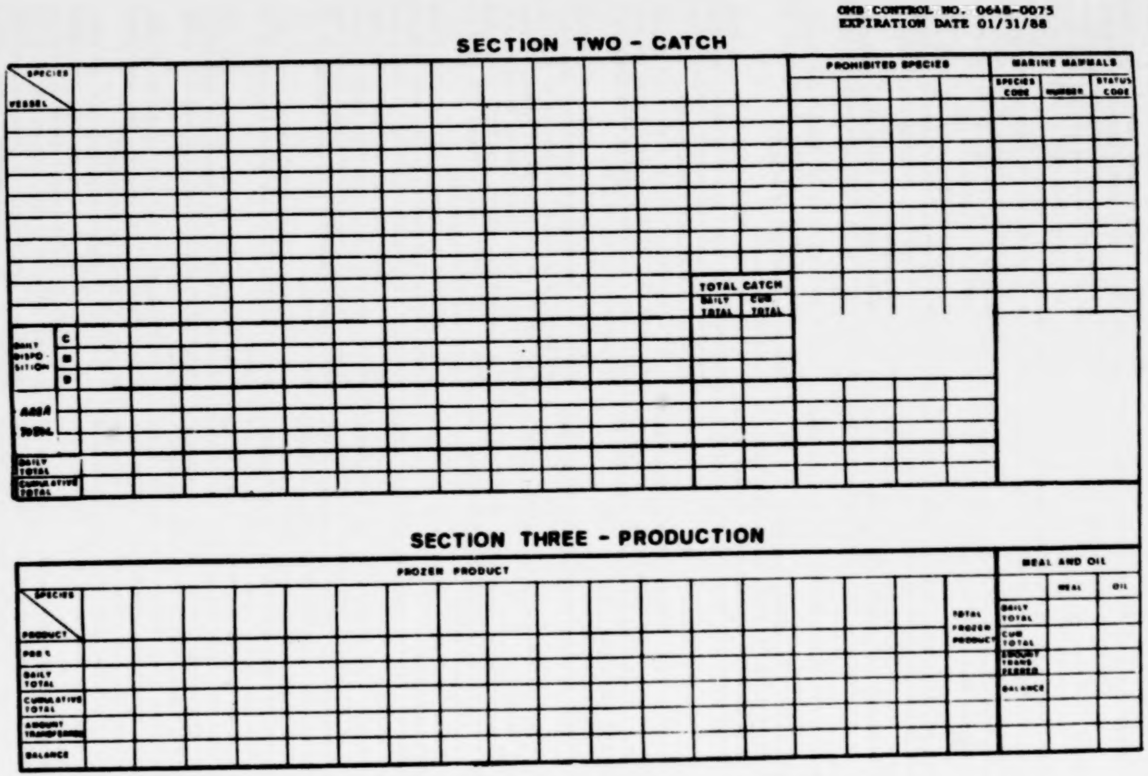
SECTION ONE - EFFORT

PAGE NO	DATE			VESSEL NAME	IRCS	U S PERMIT NUMBER	NOON POSITION		NOON WEATHER	WIND		WEATHER	BARO METER	SEA CONDITION	AIR WATER TEMPERATURE	MASTER OR OPERATOR
	Year	Month	Day				Latitude	Longitude		DIRECTION	FORCE					

TRAWL OR SET NO	FISHING AREA NO	GEAR TYPE	SET TIME (G M T)	SET POSITION	COURSE OF SET	SEA DEPTH (METERS)	DEPTH OF SET (METERS)	DURATION OF SET (MINUTES)	HAULING TIME (GMT)	HAULING POSITION	NO OF POTS OR LONGLINE UNITS	NO OF HOOKS PER LONGLINE UNIT	TRAWL SPEED	TRAWL MESH SIZE COD END	

U.S. INSPECTION	REMARKS:
OFFICER:	
DATE:	

Figure 1a to Appendix I: Daily Fishing Log



OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

SECTION TWO - CATCH

SPECIES / VESSEL

PROHIBITED SPECIES

MARINE MAMMALS: SPECIES CODE, NUMBER, STATUS CODE

TOTAL CATCH: DAILY TOTAL, CUM TOTAL

DAILY DISPOSITION: C, [illegible], D

AREA TOTAL

DAILY TOTAL

CUMULATIVE TOTAL

SECTION THREE - PRODUCTION

FROZEN PRODUCT

SPECIES / PRODUCT

PRR %

DAILY TOTAL

CUMULATIVE TOTAL

AMOUNT TRANSFERRED

BALANCE

TOTAL FROZEN PRODUCT

MEAL AND OIL: MEAL, OIL

DAILY TOTAL

CUM TOTAL

AMOUNT TRANSFERRED

BALANCE

Figure 1b. to Appendix I: Daily Fishing Log

APPENDIX J TO SUBPART A—DAILY CONSOLIDATED LOG

A. Format

1. The log must contain entries for each day of fishing. Each page of the log may contain entries pertaining to only one day's fishing operations. Only one day's entries may be made on each page of the log.

2. Each page must be divided into three sections. The sections are not required to be on the same page of the log. There may be more or fewer lines and columns in each section to accommodate fishing operations and factory production. The sections must include:

(a) Section One: Vessel particulars and fishing effort.

(b) Section Two: Catch statistics.

(c) Section Three: Production statistics.

3. Each log must contain a cover page with the vessel name, IRCS, and permit number.

B. Form Entries

1. Section One—Effort (to be completed within 2 hours of the beginning of the day):

(a) Date: Enter the date based on GMT on which the catch was taken.

(b) Vessel name: Enter name.

(c) IRCS: Enter international radio call sign.

(d) U.S. permit number: Enter vessel's permit number.

(e) Noon position: Enter the vessel's geographic coordinates (latitude/longitude) at noon (1200 hours) GMT.

(f) Noon weather: Enter the observed weather (optional).

(g) Master: Enter master or operator's signature and title.

2. Section Two—Catch (to be completed within 12 hours after the end of the day):

(a) Vessel/IRCS: Enter the name of the foreign catching vessel transferring codends to the foreign processing vessel and its IRCS or other required vessel identification.

(b) Species: Enter the species code for each species caught for which there is an applicable national allocation, even if the fish are discarded. Use the appropriate species code from appendix D to this subpart.

(c) Fishing area: Enter the fishing area, using the code from appendix C to this subpart, where the fish were caught. If a catching vessel catches fish in more than one area, a separate line entry must be made for each area.

(d) Catch: Enter the catch by species of each catching vessel in that area during the day, to at least the nearest tenth of a metric ton (0.1 mt) round weight. Enter zero (0) if there was no catch of a listed species.

(e) Daily disposition: For each species, specify the daily disposition to at least the nearest 0.1 mt as follows: Enter under "C" the round weight of fish consumed on boa and for fish which are frozen in whole or part or otherwise processed other than f fishmeal or oil; enter under "M" the rou weight of whole fish which are process for fishmeal or oil; enter under "D" t round weight of whole fish which are d carded. The entries under "C" must be f round weight even though some part of t fish is used for fishmeal or oil.

(f) Area total: Enter the total daily cat by species in each fishing area in which t fish were caught, to at least the nearest mt round weight.

(g) Daily total: Enter the total daily cat by species, to at least the nearest 0.1 round weight.

(h) Cumulative total: Enter the cumul tive total catch by species, to at least t nearest 0.1 mt round weight.

(i) Total catch:

(1) Daily total: Enter the daily total for species to at least the nearest 0.1 mt rou weight for each category of disposition (M, and D) and each fishing area.

(2) Cumulative total: Enter the cumul tive total for all species to at least the nea est 0.1 mt round weight for each category disposition (C, M, and D).

(j) Prohibited species: Enter the speci code, the number of individual animals parts, or the round weight to at least th nearest 0.1 mt of prohibited species receiv from each harvesting vessel as required the fishery in which the FFV is engage Enter the daily and cumulative total f each prohibited species.

(k) Marine mammals: Enter the speci code from appendix D to this subpar number of animals received (if more tha one of the same species and condition), co dition code (1—Killed during capture; 2—I jured during capture; 3—Dead before ca ture (decomposed); and 4—Uninjured) f each incident.

3. Section Three—Production (to be com pleted within 12 hours after the end of th day):

(a) Species: Enter the species code fro appendix D to this subpart for each speci caught for which there is a national allo tion.

(b) Products: Enter the product code fro appendix E to this subpart for each froze or canned product produced.

(c) PRR %: Enter the daily product reco ery rate (PRR) to the nearest percenta (example: 27%) for each type of product p species. This is a ratio expressed as a pe centage of the weight of processed produ divided by the round weight of fish used produce that amount of product.

(d) Daily total: Enter the daily total catch product produced per species to least the nearest hundredth of a metric to (0.01 mt).

(e) Cumulative total: Enter the cumulative total of each product produced per species to at least the nearest hundredth of a metric ton (0.01 mt).

(f) Amount transferred: Enter the cumulative total of each product per species transferred off the vessel either inside or outside of the EEZ (including products delivered to a port by the fishing vessel) to at least the nearest 0.01 mt.

(g) Balance: Enter the cumulative total of each product per species aboard the vessel to at least the nearest 0.01 mt.

(h) Total frozen product: Enter the total for all species to at least the nearest 0.01 mt of the daily total, cumulative total, amount transferred, and quantity remaining onboard.

(i) Meal and Oil:

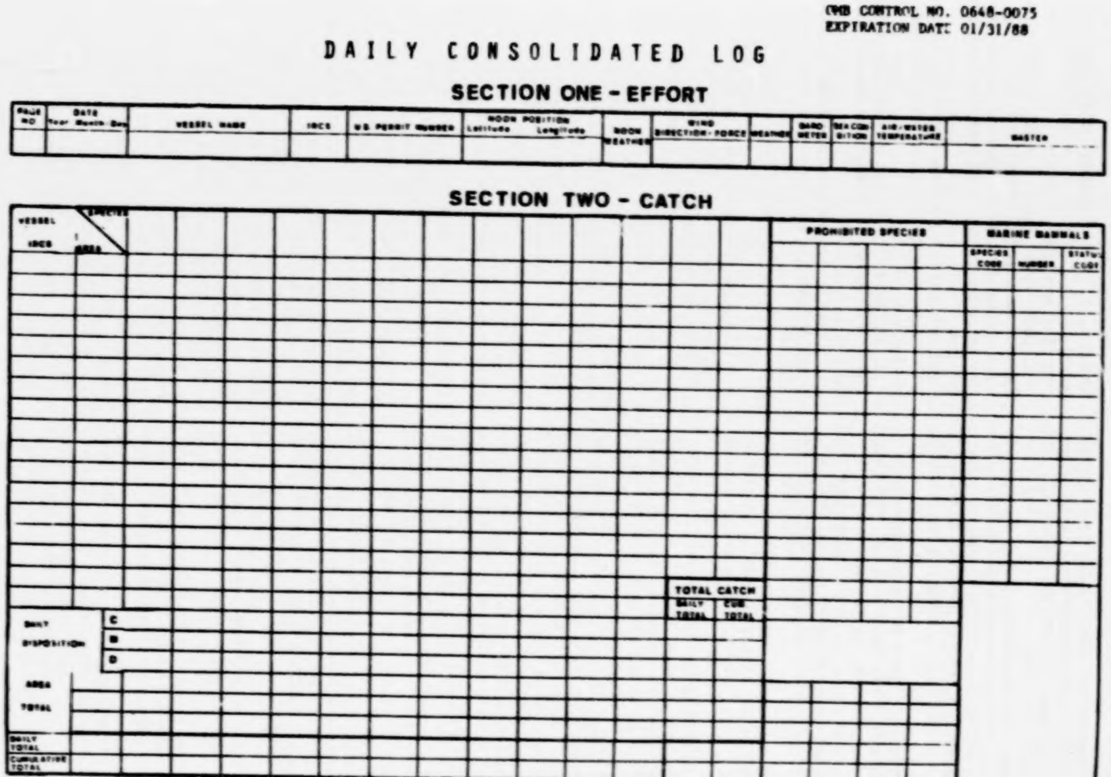
(1) Daily total: Enter the daily total produced to at least the nearest 0.01 mt.

(2) Cumulative total: Enter the cumulative total produced to at least the nearest 0.01 mt.

(3) Amount transferred: Enter the cumulative total transferred to at least the nearest 0.01 mt.

(4) Balance: Enter the cumulative total aboard the vessel to at least the nearest 0.01 mt.

(j) A daily consolidated log form is illustrated below:



OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

DAILY CONSOLIDATED LOG

SECTION ONE - EFFORT

PAGE NO	DATE Year Month Day	VESSEL NAME	IRCS	U.S. PERMIT NUMBER	NOON POSITION Latitude Longitude	NOON WEATHER	WIND DIRECTION-FORCE	WEATHER	BARO METER	SEA CONDITION	AIR/WATER TEMPERATURE	MASTER

SECTION TWO - CATCH

VESSEL IRCS
SPECIES
AREA
PROHIBITED SPECIES
MARINE MAMMALS
SPECIES CODE
NUMBER
STATUS CODE
TOTAL CATCH
DAILY TOTAL
CUM TOTAL
DAILY DISPOSITION
C
B
D
AREA TOTAL
DAILY TOTAL
CUMULATIVE TOTAL

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

SECTION THREE - PRODUCTION

	FROZEN PRODUCT																	
SPECIES PRODUCT																		TOTAL FROZEN PRODUCT
PRR'S																		
DAILY TOTAL																		
CUMULATIVE TOTAL																		
AMOUNT TRANSFERRED																		
BALANCE																		

MEAL AND OIL		
	MEAL	OIL
DAILY TOTAL		
CUM TOTAL		
AMOUNT TRANS-FERRED		
BALANCE		

U.S. INSPECTION

OFFICER:

DATE:

REMARKS:

Figure 1b. to Appendix J: Daily Consolidated Log.

APPENDIX K TO SUBPART A—DAILY JOINT VENTURE LOG

A. Format

1. The log must contain entries for each day of fishing. Each page of the log may contain entries pertaining to only one day's fishing.

2. Each day's entries must be divided into three sections. The sections are not required to be on the same page of the log. There may be more or fewer lines and columns in each section to accommodate fishing operations and factory production. The sections must include:

(a) Section One: Vessel particulars and fishing effort.

(b) Section Two: Catch statistics.

(c) Section Three: Production statistics.

3. Each log must contain a cover page with the vessel name, IRCS, and permit number.

B. Form Entries

1. Section one—Effort (to be completed within 2 hours after the beginning of the day or within 2 hours after the receipt time, as appropriate):

(a) Date: Enter the date based on GMT on which the catch was taken.

(b) Vessel name: Enter name.

(c) IRCS: Enter international radio call sign.

(d) U.S. permit number: Enter vessel's permit number.

(e) Noon position: Enter the vessel's geographic coordinates (latitude/longitude) at noon (1200 hours) GMT.

(f) Noon weather: Enter the observed weather (optional).

(g) Master: Enter master or operator's signature and title.

(h) Codend No.: Enter consecutive numbers for each codend received, beginning with the first codend received in the current calendar year.

(i) Vessel: Enter the name of the U.S. fishing vessel the codend was received from.

(j) Fishing area number: Enter the code number (from appendix C to this subpart) of the fishing area where the codend was received.

(k) Receipt time: Enter the time based on GMT when the codend was received.

(l) Receipt position: Enter the geographic coordinates (latitude/longitude) where the codend was received.

(m) Codend weight: Enter the estimated total weight of the codends to at least the nearest metric ton round weight.

2. Section Two—Catch (to be completed within 12 hours after the codend was received or within 12 hours after the end of the day, as appropriate):

(a) Species: Enter the species code for each species received which the FFV is authorized to retain, even if the fish
carded. Use the appropriate spe
from appendix D to this subpart.
other column for the same species i
more than one disposition of the
(See paragraph (d) below).

(b) Codend No.: Enter the numb
sponding with the receipts listed in
One.

(c) Catch: Enter the receipts
codend by species, disposition, and
to at least the nearest tenth of a m
(0.1 mt) round weight. Disposition i
ed by adding a letter code as des
paragraph (f) below. Enter zero (0)
was no catch of a listed species.

(d) Daily Disposition: For each
specify the disposition to at least t
est 0.1 mt as follows: Enter under
round weight of the fish consumed
and for fish which are frozen in wh
part or otherwise processed other
fishmeal or oil; enter under "M" t
weight of whole fish which are p
for fishmeal or oil; enter under
round weight of fish which are d
and enter "R" for the round weigh
returned to the U.S. vessel, if allowe
fishery. The entries under "C" mu
round weight even though some pa
fish is used for fishmeal or oil.

(e) Area total: Enter the total
ceipts by species in each fishing
which the fish were caught, to at l
nearest 0.1 mt round weight.

(f) Daily total: Enter the total
ceipts by species, to at least the ne
mt round weight.

(g) Cumulative total: Enter the
tive total receipts by species, to at l
nearest 0.1 mt round weight.

(h) Total catch:

(1) Daily total: Enter the daily tot
species to at least the nearest 0.1 m
weight for each category of dispos
M, D, and R) and each fishing area.

(2) Cumulative total: Enter the
tive total for all species to at least t
est 0.1 mt round weight for each cat
disposition (C, M, D, and R).

(i) Prohibited species: Enter the
code, the number of individual an
parts, or the round weight to at l
nearest 0.1 mt of all prohibited sp
ceived from each harvesting vessel
quired by the fishery in which the
engaged. Enter the daily and cu
total for each prohibited species.

(j) Marine mammals: Enter the
code from appendix D to this
number of animals received (if mo
one of the same species and conditi
condition code (1—killed during capt
Injured during capture; 3—Dead bef
ture (decomposed); and 4—Uninjur
each incident and harvesting vessel.

3. Section Three—Production (to be completed within 12 hours after the end of the day):

(a) Species: Enter the species code from appendix D to this subpart for each authorized species which the FFV receives.

(b) Products: Enter the product code from appendix E to this subpart for each frozen or canned product produced.

(c) PRR %: Enter the daily product recovery rate (PRR) to the nearest percentage (example: 27%) for each type of product per species. This is a ratio expressed as a percentage of the weight of processed product divided by the round weight of fish used to produce that amount of product.

(d) Daily total: Enter the daily total of product produced per species to at least the nearest hundredth of a metric ton (0.01 mt).

(e) Cumulative total: Enter the cumulative total of each product produced per species to at least the nearest hundredth of a metric ton (0.01 mt).

(f) Amount transferred: Enter the cumulative total of each product per species transferred off the vessel either inside or outside of the EEZ (including products delivered to a port by the fishing vessel) to at least the nearest 0.01 mt.

(g) Balance: Enter the cumulative total of each product per species aboard the vessel to at least the nearest 0.01 mt.

(h) Total frozen product: Enter the total for all species to at least the nearest 0.01 mt of the daily total, cumulative total, amount transferred, and quantity remaining onboard.

(i) Meal and Oil:

(1) Daily total: Enter the daily total produced to at least the nearest 0.01 mt.

(2) Cumulative total: Enter the cumulative total produced to at least the nearest 0.01 mt.

(3) Amount transferred: Enter the cumulative total transferred to at least the nearest 0.01 mt.

(4) Balance: Enter the cumulative total aboard the vessel to at least the nearest 0.01 mt.

(j) A daily joint venture log form is illustrated below:

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

DAILY JOINT VENTURE LOG

SECTION ONE - EFFORT

PAGE NO	DATE			VESSEL NAME	IRCS	US PERMIT NUMBER	NOON POSITION		NOON WEATHER	WIND		WEATHER	BAROMETER	SEA CONDITION	AIR	WATER	MASTER
	Year	Month	Day				Latitude	Longitude		DIRECTION	FORCE				TEMPERATURE		

CARRIER NO	U.S. VESSEL NAME	FISHING AREA NO	RECEIPT TIME (GMT)	RECEIPT POSITION	ESTIMATED RECEIPT WEIGHT

REMARKS

U.S. INSPECTION

OFFICER DATE

REMARKS

Figure 1a to Appendix K: Daily Joint Venture Log.

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

SECTION TWO - CATCH

SPECIES COD END NO.															PROHIBITED SPECIES				MARINE MAMMALS		
																			SPECIES CODE	NUMBER	STATU COD
													TOTAL CATCH								
													DAILY TOTAL	CUM TOTAL							
DAILY DISPOSITION C																					
M																					
D																					
R																					
AREA TOTAL																					
DAILY TOTAL																					
CUMULATIVE TOTAL																					

Figure 1b. to Appendix K: Daily Joint Venture Log.

OMB CONTROL NO. 0648-0075
EXPIRATION DATE 01/31/88

SECTION THREE - PRODUCTION

FROZEN PRODUCT

SPECIES / PRODUCT																		TOTAL FROZEN PRODUCT
PRR %																		
DAILY TOTAL																		
CUMULATIVE TOTAL																		
AMOUNT TRANSFERRED																		
BALANCE																		

MEAL AND OIL

	MEAL	OIL
DAILY TOTAL		
CUM TOTAL		
AMOUNT TRANSFERRED		
BALANCE		

Figure 1c. to Appendix K: Daily Joint Venture Log.

Subpart B—Surpluses

§ 611.20 Total allowable level of foreign fishing (TALFF).

(a) The TALFF, if any, with respect to any fishery subject to the exclusive fishery management authority of the United States, is that portion of the optimum yield (OY) of such fishery which will not be caught by vessels of the United States.

(b) Each specification of OY and each assessment of the anticipated U.S. harvest will be reviewed during each fishing season. Adjustments to TALFF's will be made based on updated information relating to status of stocks, estimated and actual performance of domestic and foreign fleets, and other relevant factors.

(c) Specifications of OY and the initial estimates of U.S. harvests and TALFF's at the beginning of the relevant fishing year will be published as a notice in the FEDERAL REGISTER. Adjustments to those numbers will be published as notices in the FEDERAL REGISTER upon occasion or as directed by regulations implementing fishery management plans. For current apportionments, contact the appropriate Regional Director or the Office of Fisheries Conservation and Management, F/CM, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Washington, DC 20235.

[50 FR 35022, Aug. 28, 1985, as amended at 53 FR 24651, June 29, 1988]

§ 611.21 Allocations.

The Secretary of State, in cooperation with the Secretary, determines the allocation among foreign nations of fish species and species groups. The Secretary of State officially notifies each foreign nation of its allocation. The burden of ascertaining and accurately transmitting current allocations and status of harvest of an applicable allocation to fishing vessels is upon the foreign nation and the owner or operator of the FFV.

[50 FR 35022, Aug. 28, 1985]

§ 611.22 Fee schedule.

(a) *Permit application fees.* Each vessel permit application submitted under § 611.3 must be accompanied by a fee of $354 per vessel, plus the surcharge, if required under paragraph (d) of this section, rounded to the nearest dollar. At the time the application is submitted to the Department of State, a check for the fees, drawn on a U.S. bank, made out to "Department of Commerce, NOAA," must be sent to the Branch Chief, Fees and Permits Branch, F/TS21, National Marine Fisheries Service, Washington, DC 20235. The permit fee payment must be accompanied by a list of the vessels for which the payment is made.

(b) *Poundage fees*—(1) *Rates.* If a nation chooses to accept an allocation, poundage fees must be paid at the rate specified in Table 1, plus the surcharge required by paragraph (d) of this section.

TABLE 1—SPECIES AND POUNDAGE FEES

[Dollars per metric ton, unless otherwise noted]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish	274.61
2. Hake, red	163.97
3. Hake, silver	174.63
4. Herring, river	61.76
5. Mackerel, Atlantic	68.43
6. Other groundfish	119.09
7. Squid, Illex	103.98
8. Squid, Loligo	245.73
Alaska fisheries:	
21. Snails	128.42

(2) *Method of payment of poundage fees, surcharges and observer fees.* If a nation chooses to accept an allocation, a revolving letter of credit (L/C) must be established and maintained to cover the poundage fees for at least 25 percent of the previous year's total allocations at the rate in paragraph (b)(1) of this section, or as determined by the Assistant Administrator, plus the surcharges and observer fees required by paragraphs (c) and (d) of this section. The L/C must—

(i) Be irrevocable;

(ii) Be with a bank subscribing to ICC Pub. 290;

(iii) Designate "Department of Commerce, NOAA" as beneficiary;

(iv) Allow partial withdrawals; and

(v) Be confirmed by a U.S. bank.

The customer must pay all commissions, Telex, and service charges. No fishing will be allowed until the letter of credit is established, and authorized written notice of its issuance is provided to the Assistant Administrator at the address in paragraph (a) of this section.

(3) *Assessment of poundage fees.* Poundage fees will be assessed quarterly for the actual catch during January through March, April through June, July through September, and October through December. The appropriate Regional Director will reconcile catch figures with each country following the procedures of § 611.13(d). When the catch figures are agreed upon, NOAA will present a bill for collection as the documentary demand for payment to the confirming bank. If, after 45 days from the end of the quarter, catches have not been reconciled, the estimate of the Regional Director will stand and a bill will be issued for that amount. If necessary, the catch figures may be refined by the Regional Director during the next 60 days, and any modifications will be reflected in the next quarter's bill.

(c) *Incremental amount.* An additional incremental amount will be added to the poundage fee Bill for Collection for fish harvested by a nation during the first quarter of the next fiscal year following notification under paragraph (10)(C) of section 204(b) of the Magnuson Act [16 U.S.C. 1824(b)(10)(C)]. This incremental amount will be added to all subsequent quarterly bills until the quarter specified when the Assistant Administrator notifies that nation that it has taken appropriate corrective action. The incremental amount in 1990 will be 78.0 percent of the total poundage fee in each quarter during which this provision applies.

(d) *Surcharges.* The owner or operator of each foreign vessel who accepts and pays permit application or poundage fees under paragraph (a) or (b) of this section must also pay a surcharge. The Assistant Administrator may reduce or waive the surcharge if it is determined that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently. The Assistant Administrator also may increase the surcharge during the year to a maximum level of 20 percent, if needed, to maintain capitalization of the fund. The Assistant Administrator has effectively waived the surcharge on 1990 fees.

(e) *Observer fees.* The Assistant Administrator will notify the owners or operators of FFV's of the estimated annual costs of placing observers aboard their vessels. The owners or operators of any such vessel must provide for repayment of those costs by including one-fourth of the estimated annual observer fee as determined by the Assistant Administrator in a letter of credit as prescribed in § 611.22(b)(2). During the fiscal year, payment will be withdrawn from the letter of credit as required to cover anticipated observer coverage for the upcoming fishery. The Assistant Administrator will reconcile any differences between the estimated cost and actual costs of observer coverage within 90 days after the end of the fiscal year.

(f) *Financial assurances.* A foreign nation, or the owners and operators of certain vessels of that foreign nation, may be required by the Secretary to provide financial assurances. Such assurances may be required if—

(1) Civil and criminal penalties assessed against fishing vessels of the nation have not effectively deterred violations;

(2) Vessels of that nation have engaged in fishing in the EEZ without proper authorization to conduct such activities;

(3) The nation's vessel owners have refused to answer administrative charges or summons to appear in court; or

(4) Enforcement of Magnuson Act civil or criminal judgments in the courts of a foreign nation is unattainable.

The level of financial assurances will be guided by the level of penalties assessed and costs to the U.S. government.

[50 FR 35022, Aug. 28, 1985, as amended at 51 FR 32091, Sept. 9, 1986; 53 FR 138, Jan. 5, 1988; 55 FR 11383, Mar. 28, 1990]

Subpart C—Atlantic Ocean

§ 611.50 Northwest Atlantic Ocean fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement within the EEZ in the Atlantic Ocean north of 35°00′N. latitude, except for the longline fishery which is regulated under § 611.60.

(b) *Authorized fishery*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *Activities allowed.* (i) Vessels subject to this action which fish with trawl gear may fish only within the trawling areas, during the seasons, and with the methods specified in Figure 1 and Table 1 of this section. Vessels subject to this action which fish with any other gear need not comply with the area, season, or method limitations specified in Figure 1 or Table 1 of this section.

(ii) Fishing, including processing, scouting and support of foreign or U.S. vessels is prohibited north and east of a line beginning at the shore at 44°22′ N. latitude, 67°52′ W. longitude and intersecting the boundary of the EEZ at 44°11′12″ N. latitude, 67°16′46″ W. longitude.

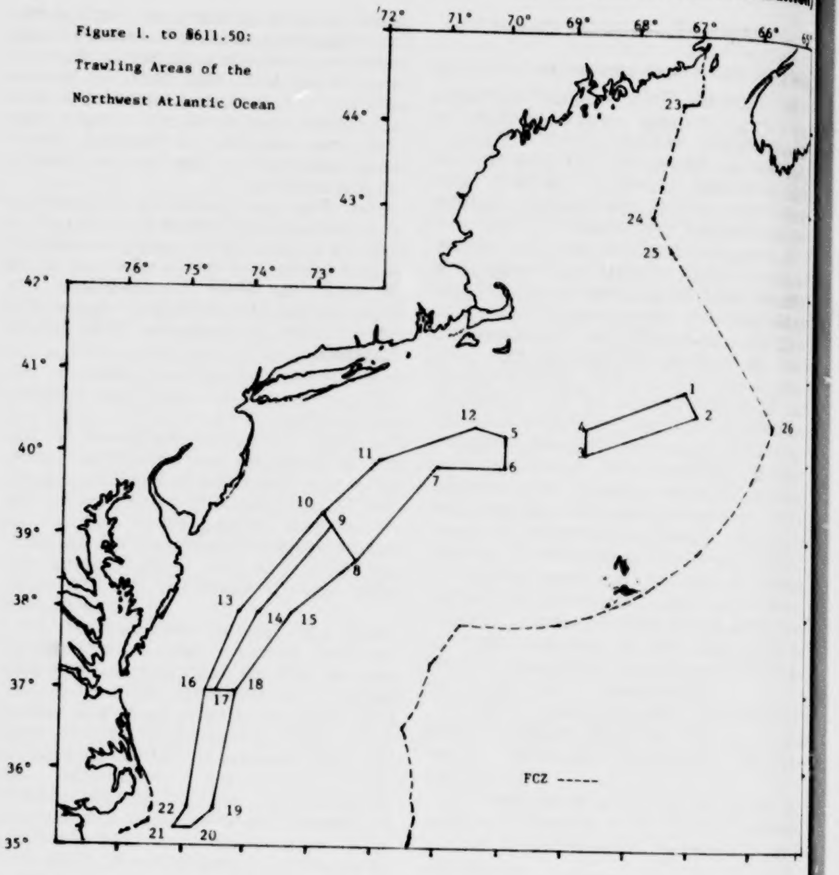


Figure 1. to §611.50: Trawling Areas of the Northwest Atlantic Ocean

72°
71°
70°
69°
68°
67°
66°
44°
43°
42°
76°
75°
74°
73°
41°
40°
39°
38°
37°
36°
35°
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
FCZ -----

1.	40°47′ N.,	67°11′ W.
2.	40°30′ N.,	67°00′ W.
3.	40°01′ N.,	68°45′ W.
4.	40°20′ N.,	68°45′ W.
5.	40°13′ N.,	70°00′ W.
6.	39°50′ N.,	70°00′ W.
7.	39°50′ N.,	71°05′ W.
8.	38°40′ N.,	72°30′ W.
9.	39°07′ N.,	72°44′ W.
10.	39°16′ N.,	72°50′ W.
11.	39°56′ N.,	72°00′ W.
12.	40°20′ N.,	70°30′ W.
13.	38°00′ N.,	74°10′ W.
14.	38°00′ N.,	73°53′ W.
15.	38°00′ N.,	73°20′ W.
16.	37°00′ N.,	74°40′ W.
17.	37°00′ N.,	74°30′ W.
18.	37°00′ N.,	74°10′ W.
19.	35°30′ N.,	74°30′ W.
20.	35°13′ N.,	74°50′ W.
21.	35°13′ N.,	75°06′ W.
22.	35°30′ N.,	74°55′ W.
23.	44°11′12″ N.,	67°16′46″ W.
24.	42°53′14″ N.,	67°44′35″ W.
25.	42°31′08″ N.,	67°28′05″ W.
26.	40°27′05″ N.,	65°41′59″ W.

3) *TALFF.* The TALFFs for the
rthwest Atlantic Ocean fishery are
blished in the FEDERAL REGISTER.
rrent TALFFs are also available
m the Regional Director. The pro-
lures for determining and adjusting
squid, mackerel, and butterfish
LFFs are set forth in 50 CFR part
i.

4) *Species definitions.* The category
ther finfish" used in TALFFs and in
ocations includes all species except:
i) The other allocated species,
nely: silver hake, red hake, short-
ned squid, long-finned squid, Atlantic mackerel, river herring (includes alewife, blueback herring, and hickory shad), and butterfish; and

(ii) The prohibited species, namely: American shad, Atlantic cod, Atlantic herring, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all marlin, all spearfish, sailfish, swordfish, black sea bass, bluefish, croaker, haddock, pollock, scup, sea turtles, sharks (except dogfish), spot, striped bass, summer flounder, tilefish, yellowtail flounder, weakfish, Continental Shelf fishery resources, and other invertebrates (except non-allocated squids).

Table 1 Fishing gear and season restrictions by fishing area
Northwest Atlantic Ocean Fishery

Off-Bottom Gear Only

Area[1]	January	February	March	April	May	June	July	August	September	October	November	December
1										▨	▨	▨
2	▨	▨	▨			▨	▨	▨	▨ [2]	▨	▨	▨
3	▨	▨	▨							▨	▨	▨
4								▨	▨	▨	▨	▨
5								▨	▨	▨	▨	▨

Bottom Gear and Off Bottom Gear

Area[1]	January	February	March	April	May	June	July	August	September	October	November	December
1												
2												
3												
4	▨	▨	▨									
5	▨	▨	▨									

Unless otherwise noted, seasons open at 0001 hours local time on the first day of the month and terminate at 2400 hours local time on the last day of the month

[1] Coordinates of the various areas are set forth in Figure 1 of this section

[2] Season begins at 0001 hours local time on June 15 and terminates at 2400 hours local time on September 15

▨ Denotes maximum open fishing season subject to possible earlier closure for some of all nations in accordance with § 611.13

(5) *Closures.* The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of the foreign nation have not caught the allocation of that nation for any species or species group (e.g., "other finfish"). When vessels of a foreign nation have caught an applicable allocation of any species, all further fishing other than scouting, processing, or support by vessels of that nation must cease, even if other allocations have not been reached. Therefore, it is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species.

(ii) The fishery has not been closed for other reasons under § 611.13.

(6) *Allocation utilization.* Foreign fishing vessels may elect to retain or discard allocated species; however, the computation of allocation utilization and fee refunds will be based on the total quantity of that species which was caught. Prohibited species must always be returned to the sea as required under § 611.11.

(7) *Additional authorization.* For the purpose of gathering additional management information, the Regional Director may authorize limited foreign fishing in areas, during seasons, and using gear not otherwise authorized in this subpart. Special reporting requirements for such fishing may be specified by the Regional Director.

(c) *Gear restrictions.* (1) No foreign fishing vessel may use on the bottom a trawl net having, in any part of the net, meshes of less than 60 millimeters (inside measure when wet after use).

(2) No foreign fishing vessel may use any trawl net having, in any part of the net, meshes of less than 45 millimeters (inside measure when wet after use).

(3) Meshes are to be measured by a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the lacings, and, when measured in the codend of the net, beginning at the after end and running parallel to the long axis.

(4) No foreign fishing vessel may use any device or method which would have the effect of reducing mesh size, except that:

(i) Chafing gear may be attached to the underside of the codend of bottom trawl nets. Chafing gear may not be attached to trawl nets having a mesh size of less than 60 millimeters.

(ii) Net strengtheners may be attached to the codend of trawl nets providing such net strengtheners consist of mesh material identical or similar to the material of the codend and have a mesh size of at least twice the minimum authorized mesh size.

(5) To qualify as off-bottom gear, a trawl net must:

(i) Be a truly pelagic trawl net, operated with neither the doors nor the net mouth in contact with the bottom; or

(ii) Be rigged so that the net mouth operates not less than 60 centimeters above the bottom. An otherwise standard bottom trawl net will be considered to meet this requirement if:

(A) It has attached perpendicular to the net mouth "hanging line" chains not shorter than 60 centimeters;

(B) Each chain hangs loose or is attached to steel bobbins; and

(C) No weights or other attachments are directly secured to the "hanging line" other than the chains specified in paragraph (c)(5)(ii)(A) of this section, or flotation devices.

(d) *Fixed gear avoidance.* (1) No foreign fishing vessel may trawl in any fixed-gear area broadcast by the Coast Guard (see § 611.12 and paragraph (d)(2) of this section). Broadcasts of fixed-gear areas will include a buffer zone around the actual reported locations of the fixed gear.

(2) The locations (latitude and longitude) of fixed-gear areas are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communications Station Boston (NMF) on 472 kHz radiotelegraphy. Broadcast is made on 8502 kHz via simultaneous keying. The list of areas is updated each day at 1350 G.m.t. All broadcasts are numbered sequentially by month, day and year. A printed monthly sum-

mary of fixed-gear information is available from commander (Aol), Coast Guard Atlantic Area, Governors Island, New York, NY 10004 (Telephone 212-668-7877), Telex 126831.

(e) *Collection, maintenance, and reporting of data.* In addition to the requirements of §§ 611.4 and 611.9, each foreign nation or foreign fishing vessel shall collect, maintain or report on a timely basis accurate data relating to fishing operations as specified below. The following logs or reports are required:

(1) *Fishing log.* The operator of each FFV which engages in fishing must maintain a record of all catches of allocated, authorized, or prohibited species to the nearest tenth of a metric ton (0.1 mt).

(2) *Quarterly scientific report.* (i) Each foreign nation whose vessels engage in fishing in the Northwest Atlantic Ocean Fishery shall submit not later than three months after the close of each quarter a quarterly scientific report (QSR) of the catch and effort of each such vessel to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543.

Quarterly scientific reports shall be submitted for each vessel for each 30 minute latitude by 30 minute longitude area in which the vessel engaged in fishing, and for each gear type used by the vessel in a given 30 minute latitude by 30 minute longitude area, by semimonthly periods. Effort data must be submitted whether or not any catch was taken. The catch of each species taken, even, if discarded, must be shown in tenths of a metric ton (0.1 m.t.) (live round weight).

(ii) Quarterly scientific reports should be completed in accordance with the instructions in appendix I and may be submitted in the format shown in figure 1 to appendix I or by magnetic tape, computer cards, or printouts. Data may also be reported using the 1977 version of the STATLANT 21-B form and the procedures established for that form.

Figure 1

QSR-1

Year/Quarter	Vessel Name	Permit Number	Vessel Size Code
Area Designation	Fishing Gear	Target Species/Codes	Page ___ of ___

EFFORT DATA

Semimonthly Period						
Effort by Standard Units						
Days on Grounds						
Days Fished						
Hours Fished						

CATCH DATA (live round weight in hundredths of a metric ton (0.01 m.t.))

Species Name	Species Code							Total by Species
Total by Semimonthly Period								Grand Total

A. *Report form entries.* See Figure 1 for report form.

1. Year/Quarter: Enter the year and quarter for which the report is prepared. For example: 1979/2 designates April, May, and June of 1979.

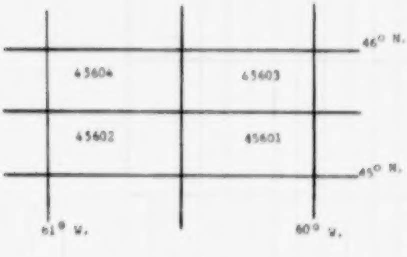
2. Vessel name: Enter the vessel name as shown on the vessel's permit.

3. Permit number: Enter the current permit number without hyphens.

4. Vessel size code: Enter the code number which indicates the vessel's tonnage (GRT) from the following list:

Tonnage (GRT)	Code number
0 to 24.9	1
25 to 49.9	2
50 to 149.9	3
150 to 499.9	4
500 to 999.9	5
1000 to 1999.9	6
2000 and over	7

5. Area designation: Enter the five digit code which indicates the latitude, longitude and quadrant of the 30 minute latitude by 30 minute longitude area for which the report is submitted. The first two digits of the code are determined from the latitude in degrees (disregarding minutes); the second two digits are determined by the longitude in degrees (disregarding minutes); and the fifth digit is determined from the quadrant within the one degree latitude by one degree longitude area as follows: southeast-1, southwest-2, northeast-3, and northwest-4. For example, the 30 minute latitude by 30 minute longitude areas 45601, 45602, 45603, and 45604 are shown in the following diagram:



A separate report is required for each area designation in which each vessel fishes.

6. Fishing gear: Enter the standard a viations from the following list for the ing gear used in the area designated in 5. A separate report is required for fishing gear used in the area.

Gear category	Sta abb
Bottom otter trawl (side)	(
Bottom otter trawl (stern)	(
Off-bottom otter trawl (see § 611.50(c)(5) for definition of this gear)	(
Midwater otter trawl (side)	(
Midwater otter trawl (stern)	(
Bottom pair trawl	
Midwater pair trawl	
Purse seine	
Gillnets (set)	
Gillnets (drift)	
Gillnets (fixed)	
Longlines (set)	
Longlines (drift)	
Traps	
Miscellaneous gears (other than above)	

7. Target species/codes: Enter common names and species codes (as l in appendix D to subpart A) of the species sought in the area designated du the period of the report.

8. Page numbering: Sequentially nu each page and the total number of pag the submission for each vessel. For exa if a stern trawler fished during the peri the report by bottom trawl in three di ent 30 minute latitude by 30 minute lo tude areas and by off-bottom trawl in tw those same areas, the pages of that ve report would be numbered "page 1 o through "page 5 of 5".

9. Semimonthly periods: Enter the d nation for each semimonthly period of quarter during which fishing effort wa pended in the area designated and using gear indicated. The designation is a t digit number consisting of the nume equivalent of the month (01 for Jan through 12 for December) followed by numeral 1 for days 1-15 of each mont the number 2 for days 16 through the of the month. Thus, the semimon period June 16-30 would be designated and the semimonthly period July would be designated 071.

10. Σffort by standard units: Whe possible, enter the effort expended du each semimonthly period in the stan units shown below for the fishing gear cated on the report.

Fishing gear	Standard effort units	Computation
Purse seines	No. of sets	Number of times the gear has been set or shot, wh or not a catch was made.

Fishing gear	Standard effort units	Computation
Trawls	No. of hours fished	Number of hours during which the trawl was in the water fishing.
Gillnets (set or drift)	No. of 100 meter net sets	Length of nets in meters divided by 100 multiplied by the number of sets made.
Gillnets (fixed)	No. of 100 meter net cleanngs	Length of nets in meters divided by 100 multiplied by the number of times the net was cleared.
Traps	Pot-days	Number of days pots are in the water and fishing multiplied by the number of pots hauled.
Longlines (set or drift)	Hook-days per thousand hooks.	Number of hooks fished divided by 1000 multiplied by number of days fished.

11. Days on grounds: Enter the number of days the vessel was on the fishing grounds. Any portion of a day on the grounds shall be counted as one day on the grounds.

12. Days fished: Enter the number of days the vessel fished. Any portion of a day fished shall be counted as one day fished.

13. Hours fished: Enter the number of hours fished to the nearest hour.

14. Species name: Enter the common names of each species caught in the area designated during the period of the report by the gear indicated. Attach additional sheets as necessary to include all species caught.

15. Species code: Enter the species code (as listed in appendix I to § 611.9) corresponding to each species named.

16. Catch data: For each species, enter the live round weight to the nearest hundredth of a metric ton (0.01 m.t.) of fish cought, by semimonthly period. For quantities which are not retained, add the suffix "D" (for discarded) following the specific semimonthly catch figure for such discarded quantities.

17. Total during the semimonthly period: Enter the total of all species caught in the area and by the gear indicated during the semimonthly period.

18. Total by species: Enter the total for each species caught in the area and by the gear indicated.

19. Grand total: Enter the total fish caught in the area and by the gear indicated during the period of the report.

B. *Submission instructions.* Submission of the QSR by magnetic tape, computer cards, or printouts will be accepted in lieu of the report form shown in figure 1. Data may also be reported using the 1977 version of the STATLANT 21-B form and the procedures established for that form. Questions regarding submission should be directed to:

Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, MA 02543.

[43 FR 59293, Dec. 19, 1978, as amended at 44 FR 15727, Mar. 15, 1979; 44 FR 17184, Mar. 21, 1979; 44 FR 46286, Aug. 2, 1979; 45 FR 14046, Mar. 4, 1980; 47 FR 37555, Aug. 26, 1982; 48 FR 14556, Apr. 4, 1983; 48 FR 16891, Apr. 20, 1983; 48 FR 34762, Aug. 1, 1983; 49 FR 43679, Oct. 31, 1984; 50 FR 35023-35026, Aug. 28, 1985; 53 FR 24652, June 29, 1988; 53 FR 39477, Oct. 7, 1988]

§ 611.51 Hake fishery.

(a) *Definitions.* For purposes of this section (1) JVP means the estimated U.S. harvest of hakes in excess of the amount which can and will be utilized by U.S. fish processors; JVP may be available for transfer to foreign-flag processing vessels; and (2) DAP means the part of the estimated U.S. harvest of hake which can and will be utilized by U.S. fish processors.

(b) *Procedures to reassess DAP*—(1) *Preliminary reassessment.* (i) If a foreign fishing permit application is received for a joint venture and if the amount of U.S.-harvested hake requested by the applicant exceeds the amount of JVP that can be made available to the applicant, the Secretary will reassess DAP for hake to determine whether additional JVP may be made available.

(ii) The Secretary will consult with the New England and Mid-Atlantic Fishery Management Councils and consider the following factors in making the reassessment:

(A) U.S. catch and participation in the fishery to date;

(B) Projected U.S. catch and participation in the fishery for the remainder of the fishery year;

(C) U.S. processing performance to date; and

(D) Projected U.S. processing performance for the remainder of the fishing year.

(iii) The preliminary reassessment will be published in the FEDERAL REGISTER and a public comment period of 15 days will be provided.

(2) *Final reassessment.* The Secretary will make a final reassessment of

DAP after taking into consideration all information received under paragraph (b)(1)(ii) of this section, and any additional relevent information that may become available. The final reassessment will be published in the FEDERAL REGISTER with the reasons for the determination.

(3) *Availability of data.* All data relevent to the reassessment will be available in aggregate form for public review at the Regional Director's office during the public comment period.

[49 FR 4213, Feb. 3, 1984]

Subpart D—Atlantic, Caribbean, and Gulf of Mexico

§ 611.60 General provisions.

(a) *Purpose and scope.* This subpart regulates:

(1) All foreign longline fishing conducted under a GIFA which involves catching, processing, or receipt of billfishes, sharks, or other fishes in the EEZ in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(2) All other foreign fishing conducted under a GIFA within the EEZ south of 35°00′ N. latitude in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

(3) Regulations governing fishing for swordfish in the same geographical area by vessels of the United States are published as part 630 of this chapter.

(4) The term *billfish* or *billfishes* as used in this subpart means all species of marlin, spearfish, sailfish and swordfish.

(b) *Authorized fishery.* (1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The TALFFs are published in the FEDERAL REGISTER. Current TALFFs are also available from the Regional Director.

(3) *Permitted fishing.* Foreign fishing authorized under this subpart may be conducted only during the seasons, in the open areas, and with the gear specified in §§ 611.61 and 611.62.

(c) *Prohibited species.* (1) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no applicable allocation are prohibited species and shall be treated in accordance with § 611.11. Fish caught in excess of an applicable national allocation are prohibited species.

(2) As a means of rebutting the presumption of § 611.11(d), a vessel may store all prohibited species caught outside the EEZ in a separate part of the hold that can be sealed, and may have its holds inspected and sealed before commencing fishing in the EEZ. Seals affixed during such inspection shall be maintained in an unbroken condition during the time the fishing vessel is in the EEZ. Such inspections may be obtained at Venice or New Orleans, LA, Key West, FL, Mayaguez, PR, or Norfolk, VA, upon 48 hours advance notification to: Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702 Telephone: 813-893-3141.

(3) Additional ports for hold inspection may be arranged with the Regional Director.

(4) The designation of ports for hold inspections does not modify the port entry arrangements or requirements (if any) of GIFAs or the notification requirements of any other laws or regulations of the United States.

(d) *Open area.* Except for the closed areas set forth in paragraph (e) of this section, § 611.61(b) and § 611.62(b), foreign fishing authorized under this subpart may be conducted in that portion of the EEZ in the Atlantic Ocean, Gulf of Mexico and Caribbean Sea beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea and that portion of the EEZ south and west of a line connecting the shore at 44°22′ N. latitude, 67°52′ W. longitude and the outer boundary of the EEZ at 44°11′12″ N. latitude, 67°16′46″ W. longitude.

(e) *Closed area.* The area known as East and West Flower Garden Banks is closed to foreign fishing. The Flower Garden Banks are located in the Gulf of Mexico approximately 110 nautical miles southeast of Galveston, Texas, and 120 nautical miles south of Cameron, Louisiana. The area encloses a proposed national marine sanctuary, which consists of approximately 257

re nautical miles and comprises
waters overlaying and surrounding
e banks to a distance of 4 nautical
s from the 100 meter isobath of
bank. The boundary of the closed
is described by rhumb lines con-
ing the following points:

Point	Latitude	Longitude
	27°46.5'N	93°57.0'W.
	27°56.0'N	93°57.0'W.
	28°04.0'N	93°32.0'W.
	27°51.0'N	93°28.0'W.
	27°47.0'N	93°45.5'W.
	27°46.5'N	93°57.0'W.

FR 27493, May 20, 1981, as amended at
R 44265, Oct. 7, 1982; 48 FR 1507, Jan.
983; 49 FR 43679, Oct. 31, 1984, 50 FR
6, Aug. 22, 1985; 50 FR 35025, 35026,
28, 1985]

.61 Atlantic billfish and sharks fish- ery.

) *Purpose.* This section regulates
foreign fishing conducted under a
A which involves the catching of
species of billfish or sharks in the
in the Atlantic Ocean, Gulf of
ico, or Caribbean Sea.

) *Area and seasons.* (1) Except as
vided in paragraph (b)(2) of this
ion, foreign fishing under this sec-
may be conducted throughout the
r. Retention of sharks will termi-
e when the applicable national al-
tion has been reached. The closure
visions of § 611.13(a)(1) through
3) do not apply to this section.

) From June 1 through November
foreign vessels fishing under this
ion for species other than sharks,
longline gear deployed from such
sels, are prohibited in the area de-
ed by the following coordinates in
order listed:

rdinate	Latitude	Longitude
	Shore at 44°22'00" N	67°52'00" W.
	44°11'12" N	67°16'46" W.
	42°53'14" N	67°44'35" W.
	42°31'08" N	67°28'05" W.
	40°55'00" N	66°09'00" W.
	40°25'00" N	66°57'00" W.
	40°00'00" N	67°39'30" W.
	39°32'00" N	70°52'30" W.
	37°54'00" N	73°05'00" W.
	34°50'00" N	73°34'00" W.
11	34°50'00" N	shore.

(3) *Gulf of Mexico.* [Reserved]

(c) *Prohibited species.* Unless otherwise specifically instructed by a U.S. observer or Authorized Officer, and instead of following the procedures of § 611.11(b):

(1) No species may be released below the surface of the water;

(2) All prohibited species must be released regardless of the condition of the fish; and

(3) All billfishes and all prohibited sharks must be released at the surface of the water by cutting the line without removing the fish from the water.

(d) *Gear restrictions.* Foreign vessels participating in a directed fishery for sharks must use a minimum sized hook of 7 inches shank length and 2.5 inches gap (distance between tip and shank) when fishing inside the 100-fathom depth contour. There is no hook size restriction seaward of the 100-fathom depth contour.

(e) *Statistical reporting.* (1) In addition to the requirements of §§ 611.4 and 611.9, a vessel of a nation with an applicable allocation shall submit the following additional quarterly reports:

(i) Catch and effort data, summarized weekly by one degree squares, containing the following information:

(A) Number of hooks set.

(B) Number of sharks caught under allocation.

(C) Number of prohibited species (by species code from appendix D to subpart A) caught and released.

(D) Number of prohibited species (by species code) released alive.

(ii) Summary of vessel activities containing the following information:

(A) Permit number of each vessel fishing.

(B) For each successive day of the reporting period, the noon-day location (within 0.1 degree of latitude and longitude) of each vessel in the fishery.

(2) A vessel of a nation with no applicable allocation is exempt from the requirements of § 611.9(d) and § 611.4(f)(2), but shall provide the reports required by § 611.4 (f)(3) and

(f)(4), when applicable. In addition, a vessel of a nation with no applicable allocation shall submit the quarterly reports described in paragraphs (e)(1)(i) (A), (C), and (D), only, and paragraph (e)(1)(ii) of this section.

(3) The quarterly reports required by paragraphs (e)(1) and (2) of this section shall be submitted not later than 60 days from the end of the quarter for which the report is being made, to: Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, FL 33149. Telephone: 305-361-5761.

(f) *Fixed gear avoidance.* (1) No foreign fishing vessel subject to this section may conduct longline fishing in any fixed-gear area broadcast by the Coast Guard (see § 611.12 and paragraph (f)(2) of this section). Broadcasts of fixed-gear areas will include a buffer zone around the actual reported locations of the fixed gear.

(2) The locations (latitude and longitude) of fixed-gear areas north of Cape Hatteras are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communication Station Boston (NMF) on 472 kHz radiotelegraphy. The list of areas is updated each day at 1350 G.m.t. All broadcasts are numbered sequentially by month, day, and year. A printed monthly summary of fixed-gear information is available from:

Commander (Aol), Coast Guard Atlantic Area, Governors Island, New York, NY 10004. Telephone 212-668-7877; Telex 126831.

[46 FR 27493, May 20, 1981, as amended at 47 FR 40441, Sept. 14, 1982; 48 FR 1507, Jan. 13, 1983; 48 FR 34762, Aug. 1, 1983; 48 FR 39077, Aug. 29, 1983; 49 FR 43679, Oct. 31, 1984; 50 FR 33956, Aug. 22, 1985; 50 FR 35025, 35026, Aug. 28, 1985; 51 FR 20300, June 4, 1986; 52 FR 36578, Sept. 30, 1987]

§ 611.62 Royal red shrimp fishery.

(a) *Purpose.* This section regulates all foreign fishing conducted under a GIFA which involves the catching of royal red shrimp in the EEZ of the Gulf of Mexico.

(b) *Closed areas.* Fishing by foreign vessels for royal red shrimp is prohibited in depths less than 100 fathoms.

(c) *Gear restrictions.* No forei vessel may use gear other than tr gear to fish for royal red shrin except as specifically authorized writing by the Regional Director.

[46 FR 27493, May 20, 1981]

Subpart E—Northeast Pacific Oce

§ 611.70 Pacific coast groundfish fisher

(a) *Purpose.* This subpart regula all foreign fishing for groundfish co ducted under a Governing Intern tional Fishery Agreement within t EEZ seaward of the States of Was ington, Oregon, and California. F regulations governing fishing f groundfish in the same area by vess of the United States, see part 663 this chapter.

(b) *Definitions.* For purposes of th section, the following terms are d fined:

(1) *Directed fishing* means any fis ing by the vessels of a foreign natio for allocations of fish granted th nation under § 611.21.

(2) *Factory weight* means the pro uct weight converted to round weigh

(3) *Foreign fishing vessel (FF* means any fishing vessel other than vessel of the United States, excep those foreign vessels engaged in recr ational fishing, as defined in § 611.2.

(4) *Incidental species* means groun fish species which are unavoidab caught while fishing for allocated authorized species.

(5) *Joint venture* means any ope ation by a foreign vessel assisting fis ing by U.S. fishing vessels, includi catching, scouting, processing and/ support. (A joint venture generally e tails a foreign vessel processing fish r ceived from U.S. fishing vessels a conducting associated support activ ties.)

(6) *Processing* means any operatio by an FFV to receive fish from forei or U.S. fishing vessels and/or th preparation of fish, including but n limited to cleaning, cooking, cannin smoking, salting, drying or freezin either on the FFV's behalf or to assi other foreign or U.S. fishing vessels.

(7) *Product weight* means the weig of the fish after processing and is e plained further at § 611.9(j)(2).

(8) *Prohibited species*, with respect to any vessel, means salmonids, Pacific halibut, Dungeness crab, and any species of fish which that vessel is not specifically allocated or authorized to retain, including fish caught or received in excess of any allocation or authorization.

(9) *Regional Director* means the Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115 or a designee.

(10) *Round weight* means the weight of the whole fish before processing.

(11) *Secretary* means the Secretary of Commerce or a designee.

(12) *Target fishing* means fishing for the primary purpose of catching a particular species (the target species). The only legal target species are those specifically allocated under § 611.21 for the directed fishery or authorized for joint venture receipt under a foreign fishing permit.

(c) *Authorized foreign fishing*—(1) *Amounts.* The total allowable levels of foreign fishing (TALFF), joint venture processing (JVP), incidental catch and retention allowance percentages, amounts of fish set aside as reserves, and the estimated domestic annual harvest (DAH) and domestic annual processing (DAP) are published in the FEDERAL REGISTER prior to the beginning of each fishing season, and during the season if these amounts are modified, to reflect changes in resource condition and performance of the U.S. industry. Current TALFF and JVP amounts are available from the Regional Director.

(2) *Restriction on joint venture incidental retention allowance.* The incidental retention allowance percentages are published in the FEDERAL REGISTER to reflect changes in resource condition and performance of the U.S. industry. The allowance percentages apply to each 5000 metric tons (mt) of species with a JVP allowance received by vessels of a foreign nation from U.S. vessels. If the retained amount of an incidental species or species complex reaches the specified percentage, no further amount of that species or species complex may be retained until vessels of that nation have received a full 5,000 mt of the species with a JVP allowance.

(d) *Modifications to authorized foreign fishing*—(1) *Modifications.* The Secretary may establish or modify amounts of TALFF, JVP, and corresponding incidental catch and retention allowances during the season by publishing a notice in the FEDERAL REGISTER in accordance with this paragraph (d). The Secretary may publish season and area restrictions for any directed fishery or joint venture for species other than Pacific whiting under the procedures of this paragraph (d).

(i) TALFF may be increased by any part of the reserve and initial estimated DAH for the species under consideration that the Secretary determines will not be harvested by U.S. fishermen during the remainder of the calendar year.

(ii) JVP may be increased by the amount of DAH for the species under consideration that the Secretary determines will not be processed by U.S. processors during the remainder of the fishing year.

(2) *Procedures to reassess DAH and DAP*—(i) *Preliminary reassessment.* On July 1, or as soon as practicable thereafter, the Secretary will reassess DAH and DAP for each species for which a numerical OY exists. The Secretary will consult with the Pacific Fishery Management Council and will consider the following factors in making the reassessments:

(A) U.S. catch and effort as of July 1;

(B) Projected U.S. catch and effort for the remainder of the fishing year;

(C) U.S. processing performance as of July 1; and

(D) Projected U.S. processing performance for the remainder of the fishing year.

The preliminary reassessments will be published in the FEDERAL REGISTER on or about July 1.

(ii) *Final reassessment.* On August 1, or as soon as practicable thereafter, the Secretary will make a final reassessment of DAH and DAP for each species for which a numerical OY exists. The Secretary will consult with the Pacific Fishery Management Council and take into consideration all information received under paragraph (d)(2)(iv) of this section, all factors considered in making the preliminary reassessments under paragraph (d)(2)(i) of this section, and any additional relevant information. The final reassessment will be published in the FEDERAL REGISTER on or about August 1 with the reasons for the determinations.

(iii) *Availability of data.* All data relevant to the preliminary and final reassessments under paragraphs (d)(2)(i) and (d)(2)(ii) of this section will be available in aggregate form for public review at the Regional Director's office during the public comment period.

(iv) *Public comment.* Comments from the public that are relevant to preliminary and final reassessments in paragraphs (d)(2)(i) and (d)(2)(ii) of this section should be submitted to the Regional Director before August 1 or as stated in the FEDERAL REGISTER notice.

(3) *Procedures for other modifications*—(i) *Proposed modifications.* At any time during the calendar year, the Secretary may propose to modify the incidental catch or retention allowance percentages for any groundfish species or species complex. At any time the Secretary may propose to establish or modify seasons or areas for directed fisheries or joint ventures for species other than Pacific whiting. The Secretary will consult with the Pacific Fishery Management Council and will consider the following factors:

(A) Observed rates of incidental catches in previous foreign directed fishery or joint venture operations;

(B) Current estimates of the relative abundance and availability of species caught or received incidentally;

(C) Ability of the foreign fishery to attain TALFF or JVP;

(D) Past and projected foreign and U.S. fishing efforts;

(E) Status of the stock;

(F) Impact on domestic industry; and

(G) Other relevant scientific information.

Any proposed modification will be published in the FEDERAL REGISTER.

(ii) *Final modification.* Within thirty days following the publication of a proposal under paragraph (d)(3 of this section, or as soon as practicable thereafter, the Secretary may make a final decision. The Secretary will consult with the Pacific Fishery Management Council and take into consideration all information received under paragraph (d)(3)(iv) of this section, all factors considered in making the proposal under paragraph (d)(3)(i of this section, and any additional relevant information. Any final decision will be published in the FEDERAL REGISTER with the reasons for the modification.

(iii) *Availability of data.* Data relevant to the proposed and final decisions under paragraphs (d)(3)(i) and (d)(3)(ii) of this section will be available in aggregate form for public review at the Regional Director's office during the public comment period.

(iv) *Public comment.* Comments from the public that are relevant to proposed and final decisions in paragraphs (d)(3)(i) and (d)(3)(ii) of this section should be submitted to the Regional Director by the date specified in the relevant FEDERAL REGISTER notice.

(e) *Fishery closures*—(1) *General.* The catching, retention, or receipt of any species or species complex is prohibited after the applicable open season has ended or after the fishery has been closed under a regulation or notice of closure issued under this section or part 663 (Regulations for the domestic Pacific Coast Groundfish Fishery).

(2) *Directed fishery.* Catching and retaining any species or species complex is prohibited after the vessels of a foreign nation have caught:

(i) That nation's allocation of TALFF; or

(ii) The maximum incidental catch allowance for that nation of any species or species complex.

(3) *Joint venture fishery.* (i) The receipt of any species of U.S.-harvested fish is prohibited after the maximum JVP amount has been received.

(ii) The retention of a species or species complex of U.S.-harvested fish having an incidental retention allowance is prohibited after the maximum incidental retention allowance for that species or species complex has been retained.

(f) *Seasons*—(1) *Directed fishery.* Directed foreign fishing authorized under this subpart may begin at 0701 G.M.T. (0001 Pacific Daylight Time) June 1 and will end not later than 0800 GMT on November 1 (2400 Pacific Standard Time on October 31), unless a different period of time is specified in a foreign fishing permit.

(2) *Joint venture fishery.* There is no season restriction unless specified in a foreign fishing permit or under § 611.70(d).

(g) *Closed areas*—(1) *Directed fishery.* No directed foreign fishing may be conducted:

(i) Shoreward of a line drawn twelve nautical miles from the baseline used to measure the U.S. territorial sea;

(ii) North of 47°30′ N. latitude;

(iii) South of 39°00′ N. latitude;

(iv) Within the "Columbia River Recreational Fishery Sanctuary"—that area between 46°00′ N. latitude and 47°00′ N. latitude and east of a line connecting the following coordinates in the order listed: 46°00′ N. latitude, 124°55′ W. longitude; 46°20′ N. latitude, 124°40′ W. longitude; and 47°00′ N. latitude, 125°20′ W. longitude; or

(v) Within the "Klamath River Pot Sanctuary"—that area between 41°20′ N. latitude and 41°37′ N. latitude and east of a line connecting the following coordinates in the order listed: 41°20′ N. latitude, 124°32′ W. longitude; and 41°37′ N. latitude, 124°34′ W. longitude.

(2) *Joint venture fishery.* Except as specified under § 663.24 or § 611.70(d), no U.S.-harvested fish may be received or processed south of 39°00′ N. latitude.

(h) *Gear restrictions—directed fishery.* (1) Except as authorized under paragraph (h)(2) of this section, gear other than a pelagic trawl with a minimum stretched mesh size of 100 mm, measured between the inside of one knot and the inside of the opposing knot when wet, is prohibited. Liners must not be used in the codend of the trawl. Devices or methods of gear use which have the effect of reducing the mesh size in the codend are prohibited. Fishing on the seabed is prohibited.

(2) Any outer protective mesh covering (outer bag or chafing gear) of a mesh size less than two times the mesh size of the inner codend is prohibited. Any outer protective mesh covering which is not aligned knot-to-knot to the inner net and tied to the straps and riblines is prohibited. Such outer mesh must not be connected directly to the terminal (closed) end of the codend. Thread size of an outer protective mesh covering must not be greater than four times the diameter of the thread size of the inner net.

(i) *Target fishing—directed fisheries.* (1) It is unlawful for any operator or owner of a foreign fishing vessel to conduct target fishing for any species or species complex for which that nation does not have an allocation of TALFF.

(2) It is a rebuttable presumption that any trawl that contains more than 50 percent by weight of any species or species complex (such as "other species") was conducted for the purpose of catching that species or species complex and therefore constitutes target fishing for that species or species complex.

(j) *Reports and recordkeeping*—(1) *Weekly reports.* The requirements at § 611.4(f) are modified as follows:

(i) Catch estimates. In the weekly catch report (CATREP) and weekly receipts report (RECREP), catches of salmonids, Pacific halibut, and Dungeness crab must be recorded in numbers of individuals.

(ii) Weekly receipts report.

(A) In addition to the requirements at §§ 611.4(f)(3) and 611.70(j)(1)(i), the weekly receipts reports (RECREP) must contain amounts of fish that are discarded or retained by an FFV operating in a joint venture off Washington, Oregon, and California, for each species and fishing area, to the nearest tenth of a metric ton (0.1 mt) round weight (except for salmonids, Pacific halibut and Dungeness crab which are recorded in numbers of individuals), and must be followed either by the letter "D" (for discarded) and the confirmation code, or by the letter "K" (for retained or kept) and the confirmation code.

(B) For the purposes of this § 611.70, the product disposition code "P" (referenced in Appendix G to Subpart A) must *not* be used in the RECREP. The only disposition codes required in this report are "D" (for discarded), "K" (for retained), if specifically authorized in the vessel permit conditions and restrictions, and "R" (for fish that are returned to a U.S. vessel).

(iii) Any weekly catch report (CATREP) submitted under § 611.4(f)(2) or weekly receipts report (RECREP) submitted under § 611.4(f)(3) must state if it pertains to target species other than Pacific whiting by following the word "CATREP" or "RECREP" with the name of the target species. If more than one target fishery is conducted in the same week, a separate CATREP or RECREP must be submitted for each fishery.

(2) *Daily reports.* From the time the Secretary estimates that 90 percent of JVP, an incidental retention allowance, a nation's fishing allocation, or incidental catch allowance of any species or species complex has been reached, and so notifies the designated representative of the nation(s) involved, the weekly catch report (CATREP) and the weekly receipts report (RECREP) must be submitted on a daily basis and must reach the Regional Director no later than three days after the reported fishing day.

(3) *Annual report.* Each nation with fishing vessels conducting directed fishery operations must report annual catch and effort statistics by May 31 of the following year in tabular form as follows:

(i) Effort in hours trawled, by vessel class, by gear type, by months, by ½° latitude by 1° longitude statistical areas.

(ii) Catch by vessel class, by gear type, by month, by ½° latitude by 1° longitude statistical areas:

(A) To the nearest tenth of a metric ton (0.1 mt round weight), any species for which that nation has a fishing allocation or incidental catch allowance; and

(B) The numbers of salmonids, Pacific halibut, and Dungeness crab.

(4) *Logs.* (i) The owner and operator of each foreign fishing vessel must maintain logs in accordance with the requirements of § 611.9 as modified by the regulations in this § 11.70 and the conditions and restrictions of that vessel's foreign fishing permit.

(ii) These logs are the basis for all reports required under §§ 611.4, 611.9, and 611.70.

(iii) Required data must be recorded clearly and concisely, in duplicate, and in English.

(iv) An authorized officer may remove the duplicate pages at any time. All duplicate pages of the logs not removed by an authorized officer must be submitted to the Regional Director within three weeks (21 days) after termination of a fishery due either to closure of the fishery, departure of a vessel from the grounds for the remainder of the season, or expiration of the fishing permit. The original logs must be retained on the foreign fishing vessel whenever it is in the EEZ for three years after the end of the permit period, as stated at § 611.9(a)(2).

(v) Measurements. (A) Estimates of discards in Section 2—Catch of the daily fishing and joint venture logs are on-deck estimates of round weight to at least the nearest tenth of a metric ton (0.1 mt) for Pacific whiting and to the nearest hundredth of a metric ton (0.01 mt) for incidental species.

(B) Transfer logs and Section 3—Production of the daily fishing and joint venture logs must be in product weights to the nearest 0.01 mt.

(C) Section 2—Catch of the daily fishing and joint venture logs (for processed fish) must be in factory weights to at least the nearest 0.1 mt for Pacific whiting, and to the nearest 0.01 mt for incidental species.

(D) *Numbers of individuals.* Salmonids, Pacific halibut, and Dungeness crab must be recorded in numbers of whole individuals.

(vi) If more than one target fishery is conducted, information for each fishery must be maintained in a separate log. If the target species is not Pacific whiting, the name of the target species must be entered after the title Section Two—Catch in the daily fishing or daily joint venture logs.

[47 FR 43970, Oct. 5, 1982, as amended at 51 FR 17032, May 8, 1986; 54 FR 18904, May 3, 1989]

Subpart F—Western Pacific Ocean

§ 611.80 Seamount groundfish fishery.

(a) *Purpose.* This subpart regulates all foreign fishing for pelagic armorheads and alfonsins conducted under a Governing International Fishery Agreement in the EEZ of the western Pacific Ocean.

(b) *Authorized fishery*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The TALFFs for the seamount groundfish fisheries are published in the FEDERAL REGISTER. Current TALFFs are also available from the Regional Director.

(3) *Species definitions.* The category "other groundfish" used in TALFFs and in allocations includes all species of finfish caught incidental to directed fishing for pelagic armorheads and alfonsins except billfish, oceanic sharks, wahoo, and mahimahi, and other fish caught pursuant to § 611.81.

(4) *Open season.* Foreign fishing authorized under this subpart may begin at 0800 G.m.t. on May 1 and will terminate not later than 0800 G.m.t. on October 1. This fishery may also be closed in accordance with § 611.15.

(c) *Prohibited species.* All Continental Shelf fishery resources, and all other species of fish except for alfonsins, armorheads and other groundfish, are prohibited species and shall be treated in accordance with § 611.11.

(d) *Open area.* Foreign vessels may engage in fishing for pelagic armorheads, alfonsins, and other groundfish only in those portions of the fishery conservation zone west of the 180° meridian and north of 28° N. latitude.

(e) *Gear restrictions.* No gear other than trawl or bottom longline gear may be used.

(f) *Collection, maintenance and, reporting of data.* In addition to the requirements of §§ 611.4 and 611.9, each foreign nation or foreign fishing vessel shall collect, maintain, or report on a timely basis, accurate data relating to fishing operations as specified in this section. All submissions required by this section shall be sent to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731 or, in the case of logbook data, hand delivered to the National Marine Fisheries Service observer on board the vessel upon his request. The following logs and reports are required:

(1) *Fishing log.* (i) Each FFV which conducts fishing operations must maintain and submit a fishing log which contains the data required by § 611.9 (d) and (e).

(ii) In addition to the catch of allocated species, the log must contain the approximate weight (in kilograms) by genus, of the incidental catch of the prohibited species corals designated by the definitions of Continental Shelf fisheries resources in § 611.2 of this part.

(iii) If the fishing log is not delivered to a National Marine Fisheries Service observer on board the vessel, it shall be mailed to the Regional Director not later than 30 days following completion of fishing.

(2) *Annual report.* Each nation whose vessels engage in the seamount groundfish fishery shall submit by February 28 of the following year, annual catch and effort statistics as follows:

(i) Catch in metric tons by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings: pelagic armorhead, alfonsin, other groundfish;

(ii) Catch in kilograms of corals taken incidental to fishing operations by month by area to the nearest one-tenth degree (0.1°) latitude and longitude by the following species groupings: pink coral, gold coral, bamboo coral, other corals; and

(iii) Effort, in hours trawled or average number of hooks soaked per 24-hour period, by month by area to the nearest one-half degree (0.5°) latitude and one degree (1°) longitude.

[43 FR 59293, Dec. 19, 1978, as amended at 44 FR 76541, Dec. 27, 1979; 45 FR 14587, Mar. 6, 1980; 47 FR 44265, Oct. 7, 1982; 48 FR 34762, Aug. 1, 1983; 50 FR 35025, 35026, Aug. 28, 1985]

§ 611.81 Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.

(a) *Purpose.* (1) This section regulates all foreign fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of billfish, oceanic shark, wahoo, or mahimahi (dolphin) in the exclusive economic zone (EEZ) of the United States in the Pacific Ocean, excluding the portion of the EEZ seaward of Alaska.

(b) *Definitions.* For the purposes of this section, these terms have the following meanings:

Billfish means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

Closed area means that area of the EEZ in which foreign longline vessels subject to this section are prohibited from fishing.

Drift gill net means a floating rectangular net with one or more layers of mesh which is set vertifically in the water.

Exclusive economic zone means the zone established by Presidental Proclamation 5030, dated March 10, 1983 and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Mahimahi means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*).

Non-retention zone means that area of the EEZ in which all billfish, oceanic sharks, wahoo, mahimahi, and other fish caught by foreign longline vessels in the course of fishing under this section must be returned to the sea in accordance with the requirements of paragraph (k)(5) of this section.

Oceanic sharks means sharks of the families Carcharhinidae, Alopiidae, Sphyrnidae, and Lamnidae.

Regional Director means the Director of the Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone number: 213-514-6196; or a designee.

Retention zone means that area of the EEZ in which foreign longline vessels subject to this section may retain billfish, oceanic sharks, wahoo, and mahimahi to the extent that retention is authorized by this section.

Wahoo means fish of the species *Acanthocybium solanderi*.

(c) *Permits.* All foreign longline vessels which intend to fish must have a permit issued under § 611.3.

(d) *Vessel and gear identification.* All permitted vessels subject to this section must comply with the vessel and gear identification requirements of § 611.5.

(e) *Observers.* Permitted vessels subject to this section must comply with the observer requirements of § 611.8.

(f) *Prohibited species.* The owner or operator of each foreign vessel must minimize its catch or recipt of prohibited species and must report the vessel's activities as prescribed in § 611.11 of the Foreign Fishing Regulations.

(g) *Vessel reporting.* The operator of each foreign fishing vessel must report the vessel's activities as prescribed in § 611.4 and in the formats specified in appendix B to subpart A of the Foreign Fishing Regulations.

(h) *Collection and reporting of data.* Permitted vessels subject to this section must comply with the recordkeeping requirements of § 611.9, in addition to the following.

(1) The daily fishing log contents found at § 611.9(e) must contain the following additional information:

(i) The number of each species caught and retained;

(ii) The number of each species caught and released;

(iii) The number of each species released alive; and

(iv) The number of hooks set by type of bait.

(2) Daily fishing logs must be mailed to the Regional Director not later than 30 days following the completion of fishing or must be hand delivered to the NMFS observer aboard the vessel upon his request.

(3) *Report of marine mammal and sea turtle incidental catch.* Each foreign nation whose permitted vessels

fish under this section must submit, through the designated representative, a report of marine mammal and sea turtle incidental catch in the manner prescribed by § 611.4(f)(4) within 60 days of leaving the EEZ in lieu of weekly reports. (Permits issued under this section do not authorize the take and retention of marine mammals and sea turtles in the EEZ).

(4) *Reporting of incidental catch by non-permitted tuna harvesting vessels.* [Reserved].

(i) *Management area groups.* For the purposes of this section, the EEZ of the Pacific Ocean (excluding the EEZ seaward of Alaska) is divided into two management area groups as follows:

(1) *FMP management area group.* The areas of the EEZ off the coasts of the Hawaiian and Midway Islands, Guam, American Samoa, and U.S. possessions are governed by the provisions of the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) and are designated the FMP Management Area Group.

(2) *PMP management area group.* The areas of the EEZ off the U.S. west coast and the coasts of the Commonwealth of the Northern Mariana Islands are governed by the provisions of the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo, and Mahimahi (PMP) in the Pacific Ocean and are designated the PMP Management Area Group.

(j) *Authorized fishery—FMP Management Area Group*—(1) *General.* Foreign vessels subject to this section are authorized to fish in the EEZ of the Hawaiian and Midway Islands, Guam, American Samoa, and the U.S. possessions subject to the requirements of this section.

(2) *Zones.* The FMP Management Area Group comprises the following closed-areas, non-retention zones and retention zones (each of which is measured from the baseline used to measure the U.S. territorial sea) described in Table 1:

TABLE 1

Management area	Closed area	Non-retention zone	Retention zone
Hawaiian Islands.	Within 12 nautical miles of all islands in the Hawaiian Islands chain.	(1) Between 12 and 100 miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu of the State of Hawaii. (2) Between 12 and 50 nautical miles from the remaining islands of the State of Hawaii.	(1) Beyond 100 nautical miles from the islands of Hawaii, Kahoolawe, Kauai, Lanai, Maui, Molokai, Niihau, and Oahu of the State of Hawaii. (2) Beyond 50 nautical miles from the remaining islands of the State of Hawaii.
Guam	Within 12 nautical miles of Guam	Between 12 and 50 nautical miles from Guam..	Beyond 50 nautical miles from Guam.
American Samoa.	(1) Within a rectangle around the Tutuila and Manua islands of American Samoa bounded by 14° and 15° S. latitude and 168° to 171° W. longitude; and. 2) Within a one degree (1°) square surrounding Swain's Island bounded by 10°33′ to 11°33′ S. latitude and 170°34′ to 171°34′ W. longitude.	None	(1) Areas of the EEZ outsides the rectangle bounded by 14° to 15° S. latitude to 170° W. longitude, and 168° to 171° W. longitude, and (2) Areas of the EEZ outside the one-degree (1°) square surrounding Swain's Island.
U.S. possessions.	Within 12 nautical miles of shore	None	Beyond 12 mautical miles from shore.

(3) *Effort plans.* Foreign longline vessels which desire to fish in the FMP Management Area Group are required to file effort plans two (2) months prior to entering the retention zones of the EEZ for fishing purposes. Effort plans must indicate the dates when fishing is expected to begin and cease and must specify the areas of the EEZ where the vessels intend to operate. Effort plans must be submitted to the Administrator, Western Pa-

cific Program Office, NMFS, 2570 Dole Street, Honolulu, HI 96822, telephone number: 808-955-8831.

(4) *Catch and effort.* There will be no limit on the amount of fishing effort or the catch of billfish, oceanic sharks, mahimahi, and wahoo made by foreign longline vessels in the retention zones described in Table 1 of paragraph (j) of this section.

TABLE 2

Management area	Maximum closed areas
Hawaiian Islands	(1) Within 150 nautical miles of the Main Hawaiian Islands (islands east of 161° W. longitude); and (2) Within 100 nautical miles of the Northwestern Hawaiian Islands including Midway (islands west of 161° W longitude).
Guam [1]	Within 150 nautical miles of Guam.
American Samoa	(1) Within a rectangle around the Tutuila and Manua islands of American Samoa bounded by 14° to 15° S. latitude and 168° to 171° W. longitude; and (2) Within a one-degree (1°) square surrounding Swain's Island bounded by 10°33′ to 11°33′ S. latitude and 170°34′ to 171°35′ W. longitude.
U.S. possessions	Within 12 nautical miles of shore.

[1] The northern boundary of the EEZ off the coast of Guam extends to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

(5) *Determinations.* The Regional Director will determine by the following criteria within 30 days after a request by the Council, whether the non-retention zones presented in Table 1 of this section should be converted to closed areas or expanded up to the maximum closed areas presented in Table 2 of this section. All or portions of the area closures will be implemented as appropriate when the Regional Director has determined that foreign fishing has resulted in or is likely to result in—

(i) Adverse impacts on the catch, effort, gear, or economic performance of domestic vessels fishing in the area(s) for management unit species;

(ii) Excessive waste of management unit species in the affected area(s) of the EEZ;

(iii) Excessive costs to monitor foreign fishing and enforce the provisions
of the FMP if the area(s) remai
open; or

(iv) Adverse effects on one or mo
management unit species.

(6) *Factors considered.* Factors th
will be considered by the Regional D
rector in making any determinati
described in paragraph 5 of this s
tion will include the following:

(i) The current and projected le
of domestic fishing and associat
catch and landed value of catch in t
affected area(s) in the absence of fo
eign fishing;

(ii) The importance of the area(s)
domestic vessels in terms of catc
effort, catch rates, and landed value
the catch of management unit speci
(iii) The level of foreign fishi
likely to occur if the area(s) were
remain open to foreign fishing;

(iv) The likelihood of gear conflic
or waste of management unit species
foreign fishing were to be permitte
and

(v) Such other factors as the Regio
al Director determines to be importa
in making the determination as
area closures.

(7) *Notice of determination.* (i) Th
Secretary will publish a notice of a
proposed determination described
paragraph (j)(5) of this section in th
FEDERAL REGISTER for public commen
unless the Secretary finds good cau
that such notice and public review a
impracticable or contrary to the publ
interest. During the public comme
period, the aggregate data upon whic
the proposed determination is bas
will be available for public inspecti
at the Regional Office during busine
hours.

(ii) If the Secretary determines, f
good cause, that a determination d
scribed in paragraph (j)(5) of this se
tion must be issued without affordi
a prior opportunity for public com
ment, public comments on the noti
will be received by the Secretary for
period of 15 days after the effecti
date of the notice. During any such 1
day period, the aggregate data upo
which the notice was based will b
available for public inspection in th
office of the Regional Director duri
business hours.

(iii) Any notice issued under this se
tion will not be effective until 30 day

after the publication in the FEDERAL REGISTER, unless the Secretary finds and publishes with the notice good cause for an earlier effective date.

(iv) Notices issued under this section will remain in effect until the expiration data stated in the published notice or until rescinded, modified, or superseded.

(v) Nothing contained in this section limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act.

(8) *Drift gill nets.* The use of drift gill nets in the FMP Management Area Group is prohibited.

(k) *Authorized fishery—PMP Management Area Group*—(1) *General.* Foreign longline vessels subject to this section are authorized to fish in the EEZ of the Northern Mariana Islands and the U.S. west coast beyond 12 miles from the baseline used to measure the U.S. territorial sea, subject to the requirements of this section. Only foreign longline vessels are eligible for permits to fish in the PMP Management Area Group.

(2) *Zones.* The PMP Management Area Group comprises the following closed areas, non-retention and retention zones (each of which is measured from the baseline used to measure the U.S. territorial sea) described in Table 3:

TABLE 3

Management area	Non-retention zone	Retention zone
West Coast	Between 12 and 100 nautical miles offshore.	Beyond 100 nautical miles.
Northern Mariana Islands,[1] Rota, Tinian, Aguijan and Saipan.	Between 12 and 50 nautical miles from Tinian, Aguijan, Rota, and Saipan.	Beyond 50 nautical miles of Rota, Tinian, Aguijan, and Saipan. Beyond 12 nautical miles of the remaining islands of the Northern Mariana Islands.

Closed areas: Foreign longline vessels subject to paragraph (j) of this section are prohibited from fishing within 12 nautical miles of the U.S. west coast and the Northern Mariana Islands.

---

[1] The southern boundary of the EEZ off the coast of the Northern Mariana Islands extends to those points which are equidistant between Guam and the island of Rota.

(3) *Total allowable level of foreign fishing (TALFF), joint venture processing (JVP), national allocations, and reserves.*

(i) *TALFF, reserve, and JVP amounts.* The TALFFs, amounts of fish held in reserve, and amounts of JVP are published in the FEDERAL REGISTER. Current TALFFs, reserves, and JVPs are also available from the Regional Director.

(ii) *TALFF and national allocations.* (A) The total amount of each species of billfish, oceanic sharks, wahoo, and mahimahi which may be caught and retained in each area of the PMP Management Area Group by foreign vessels subject to paragraph (k) of this section is limited to the TALFF for each applicable area and to the amount of the applicable national allocation.

(B) No foreign vessels subject to paragraph (k) of this section may catch and retain billfish, oceanic sharks, wahoo, and mahimahi within the non-retention zones set out in the table at paragraph (k)(2) of this section.

(iii) *Determination.* (A) As soon as practicable after September 1 of each year, and upon receipt of a written request from a foreign nation, the Regional Director, Southwest Region, will determine, for each species for which a reserve has been established, the amount of fish which has been harvested to date by U.S. vessels in each applicable area.

(B) If the Regional Director determines that the amount of fish of a species harvested by vessels of the United States in an area is less than 80 percent of the expected domestic harvest for that species in that area, the Regional Director will apportion to TALFF the entire amount of the reserve for the applicable species in the applicable area. No reserve amounts will be apportioned to TALFF if domestic vessels have harvested 80 percent or more of the expected domestic harvest for that species in the applicable area by the date of this determination.

(iv) *Notice.* The Assistant Administrator for Fisheries, NOAA, will publish in the FEDERAL REGISTER a notice of each determination made under paragraph (k)(3)(iii) of this section.

(4) Cancellation of authority to retain.

(i) The authority of a foreign longline vessel to retain an applicable species is canceled:

(A) When the national allocation for the applicable species is reached; or

(B) At the date and time specified in the notification issued by the Assistant Administrator under paragraph (k)(4)(ii) of this section.

(ii) The Assistant Administrator will determine, on the basis of the information specified in § 611.13, when the TALFF or optimum yield (OY) of a billfish species, oceanic sharks, wahoo, or mahimahi in an area of the PMP Management Area Group will be reached. At least forty-eight hours before the applicable TALFF or OY will be reached, the Assistant Administrator will notify both the affected foreign nation(s) and the designated representative for any affected fishing vessel that authority to retain the applicable species is canceled.

(iii) Any cancellation under paragraph (k)(4) of this section will remain in effect until a new or increased allocation becomes available.

(iv) The closure provisions of § 611.13 do not apply to foreign longline vessels fishing subject to paragraph (k) of this section.

(5) *Prohibited species*—(i) *General.* The following are prohibited species under paragraph (k) of this section.

(A) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no national allocation;

(B) All billfish, oceanic sharks, wahoo, and mahimahi caught in excess of an applicable OY, TALFF, or national allocation; and

(C) All billfish, oceanic sharks, wahoo, and mahimahi caught in a non-retention zone. (See Table 3 at paragraph (k)(2) of this section.)

(ii) *Treatment.* All prohibited s
will be treated in accordance
§ 611.11.

(iii) *Additional requirements fo*
fish and oceanic sharks. Unless
wise specifically instructed by a
observer or authorized officer, al
hibited billfish and oceanic s
must be released by cutting the
(or by other appropriate means)
out removing the fish from the

(iv) *Rebuttal of presumption.*
eign vessels fishing subject to
graph (k) of this section may
the presumption of § 611.11(c) by

(A) Storing all prohibited sp
caught outside the EEZ in a sep
part of the vessel's hold which ca
sealed, and arranging inspection
sealing of the vessel's hold by U.S
thorities before commencing fishi
the EEZ or in non-retention zone

(B) Other reasonable means w
may be authorized by the Regiona
rector if, in consultation with the
Coast Guard, the Regional Dir
determines that special circumsta
warrant alternative arrangements.

(v) *Procedures for hold sealing.*
Inspection and sealing of a foreign
sel's hold may be arranged by cont
ing the Southwest Region Office,
tional Marine Fisheries Service,
Dole Street, Honolulu, HI 96822,
phone number: 808-955-8831, at l
48 hours in advance of the date
which inspection is requested.

(B) Ports at which such inspect
may be made are Honolulu and Ka
lui, Hawaii, Agana, Guam; and
Diego, California.

(C) Additional ports for hold ins
tions may be arranged with the
gional Director.

(vi) *Other requirements.* The de
nation of ports for hold inspection
sealing does not modify any port en
arrangements or requirements (if a
of Governing International Fish
Agreements or the notification
quirements of any other laws or re
lations of the United States.

[52 FR 5984, Feb. 27, 1987]

§ 611.82 Precious coral fishery.

(a) *Purpose.* This section regula
foreign fishing under a Govern
International Fishery Agreement

precious corals within the EEZ seaward of Hawaii, Guam, and American Samoa.

(b) *Definitions.* For purposes of this section, the following terms are defined:

(1) *Exploratory area* means the following permit areas in the EEZ outside the closed areas listed in § 611.82(g).

(i) Permit Area X-P-H. All coral beds seaward of the State of Hawaii.

(ii) Permit Area X-P-AS. All coral beds seaward of American Samoa.

(iii) Permit Area X-P-G. All coral beds seaward of Guam.

(2) *Precious coral* means any of the following species of coral:

Pink coral (also known as red coral) *Corallium secundum*
Pink coral (also known as red coral) *Corallium regale*
Pink coral (also known as red coral) *Corallium laauense*
Gold coral *Gerardia sp.*
Gold coral *Callogorgia gilberti*
Gold coral *Narella sp.*
Gold coral *Calyptrophora sp.*
Bamboo coral *Lepidisis olapa*
Bamboo coral *Acanella sp.*
Black coral *Antipathes dichotoma*
Black coral *Antipathes grandis*
Black coral *Antipathes ulex*

(3) *Regional Director* means the Southwest Regional Director, National Marine fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731.

(4) *Selective gear* means gear that can be used to harvest coral selectivley by differentiating as to type, size, quality, or other characteristics.

(c) *Authorized fishery.* (1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF and reserve.* The total allowable levels of foreign fishing (TALFF), joint venture processing (JVP), the amounts of coral set aside as reserves, the estimated domestic annual harvest (DAH), and domestic annual processing (DAP) in exploratory areas are published in the FEDERAL REGISTER prior to the beginning of each fishing year. Current TALFF and JVP amounts are available from the Regional Director.

(3) *Determination of TALFF and reserves.* The quotas for each of the three exploratory areas (set forth in Table 1 to 50 CFR Part 630) will be held in reserve for harvest by vessels of the United States in the following manner:

(i) At the start of the fishing year (July 1), the reserve for each exploratory area will equal the quota minus the estimated domestic annual harvest for that year.

(ii) As soon as practicable after December 31 each year, the Regional Director will determine the amount harvested by vessels of the United States between July 1 and December 31 of that year.

(4) *Release of reserves.* The Secretary will release to TALFF for each exploratory area an amount of coral equal to the quota minus two times the amount harvested by vessels of the United States in that July 1-December 31 period.

(5) The Secretary will publish in the FEDERAL REGISTER a notice of the Regional Director's determination and a summary of the information on which it is based as soon as practicable after the determination is made.

(d) *Open season.* Foreign fishing authorized under this section may be conducted from the time that the reserve is released to TALFF until the national allocation has been reached. This fishery will be closed in accordance with § 611.13.

(e) *Prohibited species.* All species of fish over which the United States exercises fishery management authority and for which there is no applicable national allocation are prohibited species and will be treated in accordance with § 611.11. All black corals are prohibited species.

(f) *Open area.* Foreign vessels may engage in fishing for precious coral in the three exploratory areas in the EEZ seaward of Hawaii, Guam, and American Samoa, but not in those coral beds designated in § 611.82(g).

(g) *Closed areas.* The following precious coral beds are closed to all foreign fishing:

Coral Bed—Midpoint

(1) Ke-ahole Point, Hawaii, 19°46.0′ N. latitude, 156°06.0′ W. longitude;

(2) Makapuu, Oahu, Hawaii, 21°18.0′ N. latitude, 157°35.5′ W. longitude;

(3) Kaena Point, Oahu, Hawaii 21°35.4′ N. latitude, 158°22.9′ W. longitude;

(4) WestPac Bed, 23°18.0′ N. latitude, 162°35.0′ W. longitude;

(5) Brooks Banks, 24°06.0′ N. latitude, 166°48.0′ W. longitude; and

(6) 180 Fathom Bank, N.W. of Kure, 28°50.2′ N. latitude, 178°53.4′ W. longitude.

Each coral bed includes the area within two nautical miles of the midpoint.

(h) *Gear restrictions.* (1) No foreign vessel fishing for coral may use gear other than:

(i) Dredges with tangle nets; or

(ii) Selective gear.

(2) A foreign vessel may use only selective gear to harvest coral from the EEZ of the main Hawaiian Islands, i.e., south and east of a line midway between Niihau and Nihoa Islands.

(i) *Collection, maintenance and reporting of data.* In addition to the requirements of §§ 611.4 and 611.9, each foreign fishing vessel must collect, maintain, or report on a timely basis accurate data relating to fishing operations as specified in this section. The requirement of § 611.9(d) that each vessel maintain a daily fishing log is waived for vessels fishing for coral under this section. In lieu of that log, vessels must enter into the logbook provided to the vessel by the National Marine Fisheries Service by midnight of the day following the day on which the coral was taken, the information specified in paragraphs (i)(1)(i) through (i)(1)(x) of this section. All submissions required by this section must be sent to the Regional Director, or, in the case of logbook data, must be hand delivered to the National Marine Fisheries Service observer (if an observer is on board the vessel) upon request. The following log and reports are required:

(1) Whenever a permitted vessel lands coral harvested under a permit, the permittee must within 72 hours mail to the Regional Director a copy of the log with complete harvest information for the coral sold or delivered including:

(i) Name of vessel;

(ii) Call sign of vessel;

(iii) Permit number of vessel;

(iv) Area fished by statistical area;

(v) Average depth of water where the coral was harvested;

(vi) Weight of coral harvested by species, to the nearest tenth of a kilogram (landed weight, air dried for at least 24 hours);

(vii) Fishing effort in hours where the coral was harvested;

(viii) Dates of harvest;

(ix) Method of harvest;

(x) Observations that may be made about the habitat (current, bottom type, bottom topography, bottom slope);

(xi) Amount of coral sold by species;

(xii) Sale price;

(xiii) Date of sale; and

(xiv) Name(s) and address(es) of buyer(s).

(2) For any coral that is not sold within 72 hours of landing the permittee shall mail to the Regional Director within 72 hours of its sale the information specified in paragraphs (i)(1)(xi) through (i)(1)(xiv) of this section.

(3) *Annual report.* Each nation whose vessels engage in the precious coral fishery must submit by November 30 of the following fishing year annual catch and effort statistics as follows:

(i) Catch in kilogram by gear type by month by area to the nearest one-half degree (0.5°) latitude and by one degree (1°) longitude, by the following species groupings: pink (red), gold, bamboo, other precious coral, and nonprecious coral; and (ii) effort, in hours fished by month by area to the nearest one-half degree (0.5°) latitude and one degree (1°) longitude.

[48 FR 39230, Aug. 30, 1983, as amended at 50 FR 35025, 35026, Aug. 28, 1985]

Subpart G—North Pacific Ocean and Bering Sea

§ 611.90 General provisions.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the EEZ seaward of the State of Alaska.

(b) *Open season.* Except as otherwise specified in the following sections, fishing by foreign vessels may be conducted throughout the year. The specific times for opening and closing seasons and areas in this subpart shall be 0800 G.m.t. on the dates indicated. The fisheries regulated under this subpart may also be closed in accordance with § 611.13.

(c) *Fishing areas*—(1) *General.* Unless specifically authorized, no foreign vessel may engage in fishing within twelve nautical miles of the baseline used to measure the territorial sea.

(2) *Support operations.* Loading and other support operations by foreign vessels are permitted only in areas where the vessel being supported is authorized to fish, and in the following areas between three and twelve nautical miles from the baseline used to measure the territorial sea:

(i) Near Forrester Island, Alaska, bounded on the north by 54°54′ N. latitude, on the east by 133°16′ W. longitude, and on the south by 54°44′ N. latitude;

(ii) On the east side of Kayak Island, Alaska, between 59°48′ N. latitude and 59°56′ N. latitude west of 143°53′ W. longitude, and on the west side by Kayak Island between 59°52′ N. latitude and 60°07′ N. latitude east of 145° W. longitude;

(iii) North of Tonki Cape on Afognak Island, Alaska, bounded on the north by 58°35′ N. latitude, on the south by 58°25′ N. latitude, on the west by 152°02′ W. longitude and on the east by 151°52′ W. longitude;

(iv) North and west of Sanak Island, Alaska, bounded on the north by 54°36′ N. latitude, on the south by 54°26′ N. latitude, on the west by 163°05′ W. longitude and on the east by 162°40′ W. longitude;

(v) On the south side of Unalaska Island, Alaska, between 167°18′ W. longitude and 167°40′ W. longitude (from January 1 to October 15, only);

(vi) On the north side of Unalaska Island, Alaska, between 167°15′ W. longitude and 167°35′ W. longitude (from January 1 to October 15, only);

(vii) On the south side of Umnak Island, Alaska, between 168°15′ W. longitude and 168°30′ W. longitude (from October 15 to January 1, only);

(viii) On the north side of Umnak Island, Alaska, between 168°25′ W. longitude and 163°40′ W. longitude and between 168°50′ W. longitude and 169°00′ W. longitude (from October 15 to January 1, only);

(ix) Off St. George Island of the Pribilof Islands, Alaska (from November 1 to May 1, only);

(x) On the north side of St. Matthew Island, Alaska, between 172°29′ W. longitude, and 172°46′ W. longitude, and on the south side of St. Matthew Island, between 172°17′ W. longitude, and 172°35′ W. longitude, and between 172°54′ W. longitude, and 173°04′ W. longitude.

(d) *Gear restriction.* No foreign vessel may possess crab pots in the EEZ while engaging in any fishery other than the Tanner crab fishery.

(e) *Statistical reporting.* (1) In addition to the requirements of § 611.9, the owner or operator of any foreign fishing vessel shall maintain catch and effort statistics as required by this subpart and shall report the information, through the designated representative, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

(2) In the Gulf of Alaska groundfish fishery and the Bering Sea groundfish fishery, the owner and operator of each FFV must record and report, in addition to allocated and authorized species, the prohibited species salmonids (species code 210) and halibut (species code 722) which are discarded, in terms of the number of fish. In the Bering Sea groundfish fishery the owner and operator of each FFV must record and report additionally, the prohibited species herring (species code 209) which are discarded, to the nearest tenth of a metric ton (0.1 mt).

(f) *Initial inspection.* (1) An FFV reporting fish or fish products aboard in a BEGIN report required by § 611.4(c)(1) may be inspected prior to fishing within the EEZ. If the FFV will be inspected, notice of an inspection will be sent to the FFV within 24 hours after the transmission of the BEGIN report. Each FFV that will be inspected must not harvest or process fish in the EEZ until the inspection is completed by an authorized officer. If notice of an inspection is not sent to the FFV within 24 hours after transmission of the BEGIN report, the FFV may begin to harvest or process fish.

(2) It will be presumed that unreported fish or fish products were harvested in the EEZ unless the vessel has on board records of the amounts of fish and fish products caught outside the EEZ. The records must be in English and provide the same information required by § 611.9 (b) and (c).

(16 U.S.C. 971 *et seq.*; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1821, 1855)

[43 FR 59293, Dec. 19, 1978, as amended at 47 FR 10228, Mar. 10, 1982; 48 FR 34762, Aug. 1, 1983; 50 FR 35025, 35026, Aug. 28, 1985]

§ 611.91 [Reserved]

§ 611.92 Gulf of Alaska groundfish fishery.

(a) *Purpose and scope.* (1) This section regulates foreign fishing for groundfish in the EEZ of the Gulf of Alaska, which includes that portion of the North Pacific Ocean beyond three nautical miles from the baseline used to measure the U.S. territorial sea, exclusive of the Bering Sea, between 132°40′ W. longitude and 170°00′ W. longitude. The regulatory areas and districts of the Gulf of Alaska are in Figure 1.

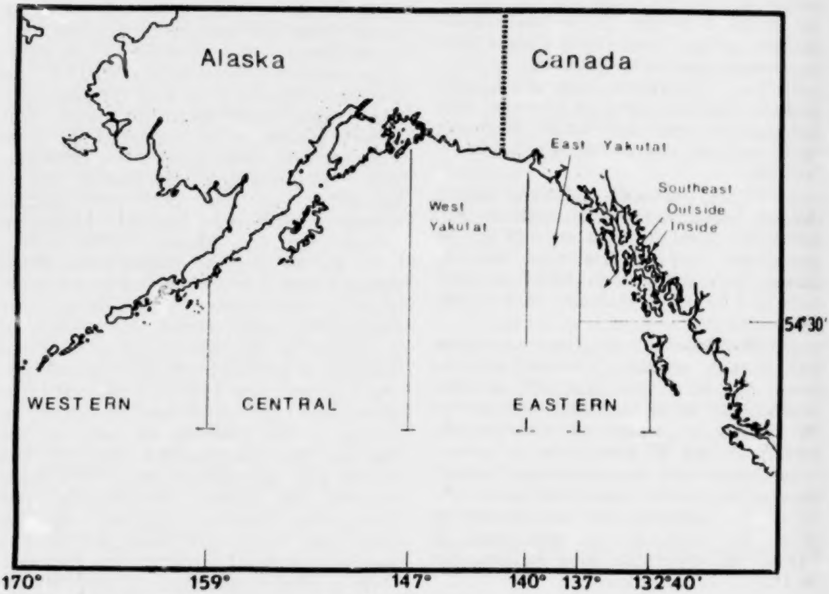


Figure 1 -- Regulatory Areas of the Gulf of Alaska (FMP)

(2) For regulations governing fishing for groundfish in the Gulf of Alaska by vessels of the United States, see 50 CFR part 672.

(b) *Categories of species.* Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term *groundfish* means species in all categories except the *prohibited species* category.

TABLE 1—CATEGORIES OF SPECIES INVOLVED IN THE GULF OF ALASKA GROUNDFISH FISHERY

Target species [1]	Other Species [2]	Prohibited species [3]	Nonspecified [4]
Pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish..	Sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid..	Pacific herring (*Clupea harengus pallasi*); salmonids (Salmonidae); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes spp. and Lithodes* spp.); Tanner crab (*Chionoecetes* spp)..	All species not included in these categories.

[1] Commercially important; specific TAC applies to each species or species group; records must be maintained.

[2] The target quota for these species as a category is set at five percent of the combined target quotas of the target species. Records of the catch or receipt of *other species* must be kept.

[3] Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by these §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as *prohibited species* and records must be maintained of any catches or receipts of these species, except for non-specified species.

[4] The term *non-specified species* means for purposes of this section those species that are not listed in paragraphs (b)(1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

(1) The term *target species* means, for purposes of this section, species that are commercially important and are generally targeted upon by the groundfish fishery. They include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. Records of the catch or receipt of each target species or species group must be kept.

(2) The term *other species* means, for purposes of this section, species that currently have only slight economic value and are not generally targeted upon, but which are significant components of the ecosystem or have economic potential. They include sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Akta mackerel, and squid. The total allowable catch (TAC) for those species as a category is set at five percent of the combined quotas of the TACs of the target species. Records of the catch or receipt of *other species* must be kept.

(3) The term *prohibited species* means for purposes of this section; Pacific herring (*Clupea harengus pallas*); salmonids (Salmonidae); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp. and *Lithodes* spp.); Tanner crab (Chionoecetes spp.) Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as *prohibited species* and records must be maintained of any catches or receipts of these species, except for *non-specified species*. Catches or receipts of *non-specified species* must be treated in the same manner as *prohibited species*, but records are not required of catches or receipts of these species.

(4) The term *non-specified species* means, for purposes of this section, species that are not listed in paragraphs (b)(1), (2), and (3) of this section and are not managed under authority of other fishery managment plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

(c)(1) *TAC's, TALFF's, Reserves, and PSC limits.* (i) See 50 CFR part 672, subpart B, for procedures to determine total allowable catches (TACs), domestic annual processing (DAP), joint venture processing (JVP), reserves, total allowable level of foreign fishing (TALFF), and prohibited species catch limits. Species listed in paragraph (b)(3) and Table 1 of this section as *prohibited species*, species listed in paragraph (b)(4) of this section as *non-specified species*, and species for which the TALFF is zero, including species for which a PSC limit has been specified, will be treated in the same manner as prohibited species under § 611.11.

(ii) Apportionment of reserves and initial DAH, and adjustment of PSC limits. See 50 CFR part 672, subpart B, for procedures to apportion reserves, initial domestic annual harvest (DAH), and adjustment of PSC limits.

(2) *Fishing permitted.* (i) The catch and retention of the amount of any groundfish in the Gulf of Alaska for which a nation has an allocation is permitted during fishing seasons specified at 50 CFR 672.23, except in the following circumstances:

(A) When vessels of a nation have caught the amount of the allocation of that nation for any groundfish species (or species group, e.g. *other rockfish*) in any regulatory area, fishing for groundfish in that regulatory area by vessels of that nation is prohibited, even if (*1*) allocations of other species for that nation in that regulatory area have not been reached, or (*2*) the nation has not received a notice issued pursuant to § 611.13(c) prohibiting fishing by vessels of that nation in that regulatory area; or

(B) On the effective date of a notice of closure issued by the Secretary pursuant to the procedures of § 611.13(c), fishing by vessels of that nation is prohibited for the groundfish species (or species groups), in the regulatory areas and during the periods stated in the notice; or

(C) As otherwise prohibited by this section or 50 CFR part 672, subpart B.

(D) The provisions of paragraph (c)(2)(i)(A) of this section do not apply to foreign vessels fishing with longline gear unless the allocation reached is for Pacific cod or sablefish. However, when the area allocation of any groundfish species, or species group other than Pacific cod, or sablefish is reached, any subsequent catch of that species in that area by vessels fishing with longline gear shall be considered catch of a *prohibited species* and treated in accordance with the provisions of § 611.11. Catches of those species or species group in the target and other species categories that become prohibited species must be recorded and reported as required by §§ 611.4 and 611.9.

(E) A notice of closure issued pursuant to paragraph (c)(2) of this section shall not apply to any receipt or processing by foreign vessels of United States harvested fish authorized by a permit issued by the Department of Commerce under the Act. Receipt of U.S. harvested fish and the conduct of other operations in support of U.S. vessels by foreign fishing vessels in the management area may continue until specifically prohibited under the procedures prescribed in the applicable permit.

(ii) Each year, the Secretary shall issue a notice of closure pursuant to the procedures of § 611.13(c), prohibiting fishing with specified gear types for any groundfish species, species group, or species category in the applicable regulatory area or district by vessels subject to this section, when the Regional Director determines that one or more of the following catch limitations will be reached:

(A) TAC for any groundfish species, species group, or species category in a regulatory area or district: The Secretary will issue a notice prohibiting, through December 31, fishing using trawl gear for groundfish in that regulatory area or district by vessels subject to this section, except that if the TAC for sablefish or Pacific cod in a regulatory area or district will be reached, the Secretary will prohibit fishing for groundfish in that regulatory area or district by all vessels subject to this section.

(B) TALFF for any groundfish species, species group, or species category, in a regulatory area or district: the Secretary shall issue a notice prohibiting through December 31 fishing using trawl gear for groundfish in that regulatory area or district, except that if the TALFF for sablefish or Pacific cod in a regulatory area or district will be reached, the Secretary shall prohibit fishing for groundfish in that regulatory area or district by all vessels subject to this section.

(C) The allocation of a nation for any groundfish species, species group, or species category in a regulatory area or district: the Secretary shall issue a notice prohibiting through December 31 in that regulatory area or district, fishing using trawl gear for groundfish by vessels of that nation; and retention of that species, species group, or species category by vessels of that nation using longline gear. However, if a national allocation for sable-h or Pacific cod in a regulatory area district will be reached, the Secre- ry shall prohibit fishing for ground- h in that regulatory area or district all vessels of that nation through ecember 31.

(iii) When a notice has been issued ursuant to this subsection prohibit- g fishing, vessels of a nation subject this section may resume fishing in a gulatory area or district: (A) On the fective date of a notice issued pursu- nt to § 611.13(c) rescinding the notice closure previously issued; or (B) hen the time period stated in the otice of closure expires.

(d) *Open areas.* (1) Except as prohib- ed in paragraph (e) of this section, oreign fishing for groundfish is per- itted in the Gulf of Alaska beyond velve nautical miles from the base- ne used to measure the U.S. territori- l sea, and between three and twelve autical miles from the base line used o measure the U.S. territorial sea be- ween 169°00′ and 170°00′ W longitude.

(2) In addition to the areas in which oreign fishing is permitted under aragraphs (d) and (e) of this section, oreign vessels holding Department of Commerce permits to receive United tates harvested fish at sea may also eceive only United States harvested ish and conduct other operations in upport of U.S. vessels in areas where oreign fishing is prohibited if: (i) That area is beyond three nautical niles from the baseline used to meas- re the U.S. territorial sea; (ii) receipt f the U.S. harvested fish or conduct f such support operations by the for- ign vessel is in an area and during a ime when fishing by U.S. vessels being supported is permitted under 50 CFR part 672; and (iii) receipt by the foreign vessel or conduct of such sup- port operation in that area is not pro- hibited by the terms and conditions of that vessel's permit to receive U.S. harvested fish.

(e) *Closed areas*—(1) *All fishing.* Foreign fishing for groundfish is prohibit- ed in the following portions of the management area:

(i) Between 132°40′ W. longitude and 140°00′ W. longitude; and

(ii) *Davidson Bank:* between 163°04′ W. longitude and 166°00′ W. longitude north of 53°00′ N. latitude.

(2) *Fishing with trawl gear.* Trawling for groundfish by vessels subject to this section is prohibited in the following areas during the periods specified:

(i) 147° W. longitude to 157° W. longitude from February 16 to June 1.

(ii) The *Kodiak Gear Area* from two days prior to the opening of the king crab season (in Registration Area K of State of Alaska commercial king crab fishing regulations) through February 15. The Regional Director shall notify the designated representatives of each foreign nation of the opening date of the king crab season at least 4 days before that opening. This area is bounded by straight lines connecting points on shore to the following coordinates in the order listed:

North latitude	West longitude
57°25.2′ (shoreline, north side Wide Bay, Alaska Peninsula	156°19′
55°11′	156°19′
55°40′	155°17′
56°03′	153°45′
56°30′	153°00′
56°46′	152°20′
57°11′	151°14′
57°19′	150°57′
58°00′	150°00′
59°39.3′ (shoreline, Harris Bay, Kenai Peninsula)	150°00′

(iii) *Three Kodiak halibut areas*, from 5 days before until 5 days after the first opening of the U.S. halibut fishing season, if the first opening of that fishing season occurs after May 26 (as established by regulations of the International Pacific Halibut Commission).

(A) The three *Kodiak halibut areas*, bounded respectively by rhumb lines, are described as follows:

(*1*) 58°30′ N. lat. to 59°30′ N. lat., between 147°40′ W. long. and 150°20′ W. long.

(*2*) 57°40′ N. lat. to 58°05′ N. lat., between 148°50′ W. long. and 150°30′ W. long.

(*3*) 55°30′ N. lat. to 56°25′ N. lat., between 155°45′ W. long. and 156°30′ W. long.

(B) The Regional Director shall give notification of the first opening date of the U.S. halibut fishing season to the designated representative of each foreign nation at least 7 days before the U.S. halibut fishing season first opens.

(3) *Fishing with longline gear*—(i) *General.* For the purpose of this section, *longline* means (A) a stationary, buoyed, and anchored line with hooks or pots attached, or (B) the taking of fish by means of such a device.

(ii) *Longline fishing for sablefish.* Longline fishing for sablefish by vessels subject to this section between 140° and 169° W. longitude is prohibited: (A) Landward of the 400 meter depth contour, from 0800 GMT May 1 to 0800 October 1; and (B) landward of the 500 meter depth contour, from 0800 GMT October 1 to 0800 GMT May 1.

(iii) *Longline fishing for Pacific cod.* Longline fishing for Pacific cod by vessels subject to this section between 140° and 169° W. longitude is prohibited landward of the 400 meter depth contour during the halibut fishing seasons as established by regulations of the International Pacific Halibut Commission. The Regional Director shall give notification of the opening and closing dates of the U.S. halibut fishing seasons to the designated representative of each foreign nation, at least 7 days before the opening and closing dates of the U.S. halibut fishing seasons.

(f) *Gear restrictions*—(1) *Vessels using trawl gear.* Vessels subject to this section may use only pelagic trawls (trawls in which neither the net nor the otter boards operate in contact with the seabed) equipped with recording net-sonde devices functioning properly during each tow from January 1 through December 31 in the area between 140° W. longitude and 147° W. longitude, and from December 1 through May 31 between 147° W. longitude and 170° W. longitude.

(i) The footrope of the net must not be in contact with the seabed for more than 10 percent of any tow, as inidcated by the net-sonde readout.

(ii) Vessels subject to this section must not attach to a pelagic trawl any protective device (such as chafing gear, rollers, or bobbins) which would make it possible to fish on the seabed.

(2) *Vessels using longline gear.* Vessels subject to this section shall not use gear other than longline gear when conducting a directed fishery for:

(i) Sablefish; or

(ii) Pacific cod in the area which is both west of 157° west longitude and landward of the 500 meter depth contour.

(g) *Inseason adjustments.* See 50 CFR part 672, subpart B, for procedures to make inseason adjustments. It is unlawful for any person to conduct any fishing contrary to a notice of inseason adjustment issued under 50 CFR 672.22(a).

(h) *Additional statistical reports—Annual.* In addition to the requirements of §§ 611.4 and 611.9, each nation whose fishing vessels fish subject to this section shall submit a written annual report to the Regional Director setting forth catch and effort statistics regarding fishing activities conducted under this section during the annual period from January 1 through December 31 by May 31 of the following year. A two-month report will be required by May 31, 1981, for the period November 1 through December 31, 1980.

(1) Foreign vessels fishing with trawl gear shall report:

(i) *Effort* in hours trawled and number of days fished, by vessels class, by gear type, by month, by ½° (lat.) x 1° (long.) fishing area;

(ii) *Catch* in metric tons, by vessel class by gear type, by month, by ½° (lat.) x 1° (long.) fishing area, by the following species categories: Yellowfin sole, rock sole, flathead sole, arrowtooth flounder, other flounders, Pacific ocean perch, other rockfish, thorneyhead rockfish, Pacific cod, sablefish (blackcod), walleye (Alaska) pollock, Atka Mackerel, squid, any other species taken in excess of 1,000 metric tons, and other fishes.

(2) Foreign fishing vessels fishing with longline gear shall report:

(i) *Effort* in number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) fishing area; and

(ii) *Catch* in metric tons, by vessel class, by gear type, by month, by ½°

at.) x 1° (long.) fishing area, by the pecies categories listed in paragraph)(1)(ii) of this section.

(j) *Directed fishing.* See 50 CFR part 72, subpart A, for standards for di- ected fishing applicable to this sec- on. These standards apply to fishing ctivities conducted under this section otwithstanding the definition for *di- ected fishing* under § 611.2 of this art. If the Regional Director deter- ines that the amount of a target spe- ies or the *other species* category ap- ortioned to a fishery is likely to be ttained, he may establish a directed shing allowance for that species or pecies group. The amount of a species r species group apportioned to a fish- ry is the amount published annually n the FEDERAL REGISTER, as revised by nseason adjustments, for that species r species group, as identified by regu- atory area or district and as further dentified according to any allocation or TALFF and the apportionment for VP. In establishing a directed fishing llowance, the Regional Director shall onsider the amount of that species or pecies group which will be taken as ncidental catch in directed fishing for ther species in the same regulatory rea or district which is attributable to ny TALFF allocation or JVP appor- ionment. If the Regional Director es- ablishes a directed fishing allowance nd that allowance is or will be eached, he will prohibit directed fish- ng for that species or species group in he specified regulatory area or dis- rict. The fishery closure procedures of § 611.13(c) of this part apply to the losure of an area to directed fishing nder this paragraph. No person may ngage in directed fishing in violation of an area closure. If directed fishing s prohibited, the amount of any catch of that species or species group equal o or greater than the amount which onstitutes directed fishing may not e retained and must be treated in the ame manner as a prohibited species nder § 611.11 of this part.

46 FR 73494, Nov. 5, 1980, as amended at 46 R 49129, Oct. 6, 1981; 47 FR 23938, 23939, June 2, 1982; 47 FR 44265, Oct. 7, 1982; 48 FR 34762, Aug. 1, 1983; 48 FR 43048, Sept. 21, 1983; 50 FR 35026, Aug. 28, 1985; 52 FR 7872, Mar. 13, 1987; 53 FR 7759, 7762, Mar. 10, 1988; 54 FR 50394, Dec. 6, 1989; 55 FR 9890, Mar. 16, 1990]

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

(a) *Purpose.* (1) This section regulates foreign fishing for squid, octopus, and all species of finfishes except salmon, Pacific halibut, herring, and steelhead, within that portion of the Bering Sea, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° W. longitude, over which the United States exercises exclusive fishery management authority under the Act (hereinafter referred to in this section as the *management area*). See appendix C to subpart A, figure 4.

(2) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by vessels of the United States, see 50 CFR part 675. Regulations governing foreign fishing for snails are set forth in 50 CFR 611.94.

(3) The optimum yield for the fishery regulated by this section and by 50 CFR part 675 is a range of 1.4 to 2.0 million mt for target species and the *other species* category in the management area to the extent this amount can be harvested consistently with this part and 50 CFR part 675, plus the amounts of *nonspecified species* taken incidentally to the harvest of target species and the *other species* category. For a definition of the categories of species involved in the fishery, see Table 1 of this section.

(b) *Authorized fishery.* (1)(i) See 50 CFR part 675, subpart B, for procedures to determine total allowable catch (TAC), reserve, domestic annual harvest (DAH), and total allowable level of foreign fishing (TALFF).

(ii) *Categories of species.* Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term *groundfish* means species in all categories except the *prohibited species* category.

TABLE I—CATEGORIES OF SPECIES INVOLVED IN THE BERING SEA AND ALEUTIAN ISLANDS FISHERY

Prohibited species [1]	Target species [2]	Other species [3]	Non-specified species [4]
Pacific halibut, Pacific herring, salmonids, king crab, Tanner crab, and other species for which there is no allocation, except *non-specified species*.	Pollock, Cod, Other flat fishes, Atka Mackerel, Sablefish, Squid, Pacific Ocean perch, other rockfish, Yellowfin sole, rock sole, Greenland halibut or Greenland turbot.	Sculpins, Sharks, Skates, Eulachon, Smelts, Capelin, Octopus.	All species not included in previous categories

[1] Records must be maintained as required by §§ 611.9 and 611.90(e)(2).
[2] Records must be maintained.
[3] Records must be maintained of the aggregate catches.
[4] Must be treated in the same manner as *prohibited species* but no records are required.

(A) The term *prohibited species* means for purposes of this section: Pacific herring (*Clupea harengus pallasi*); salmonids (Salmonidae); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp. and *Lithodes* spp.); and Tanner crab (*Chionoecetes* spp.). Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as *prohibited species* and records must be maintained of any catches or receipts of these species except for *non-specified species*. Catches or receipts of *non-specified species* must be treated in the same manner as *prohibited species* but records are not required of catches or receipts of these species.

(B) The term *other species* means: sculpins, sharks, skates; eulachon; smelts, capelin; and octopus.

(C) The term *nonspecified species* means all fish other than those specifically listed in paragraphs (b)(1)(ii) (A), (B), and (D) of this section.

(D) The term *target species* means pollock, Pacific cod, all flatfishes, Atka mackerel, sablefish, all rockfishes, and squids.

(iii) *Directed fishing.* See 50 CFR part 675, subpart A, for standards for directed fishing applicable to this section. These standards apply to fishing activities conducted under this section notwithstanding the definition under § 611.2 of this part. See paragraph (j) of this section for prohibitions on directed fishing.

(2) For apportionment to TALFF of Reserves and surplus DAH, see 50 CFR part 675, subpart B.

(3) *Fishing permitted.* (i) The catch and retention of the amount of any groundfish in the Bering Sea and Aleutian Islands management area for which a nation has an allocation is permitted during fishing seasons specified at 50 CFR part 675.23, except in the following circumstances:

(ii) Under the procedures of § 611.13(c), the Regional Director shall notify the foreign nation(s) involved and the designated representative for any affected fishing vessel of a closure prohibiting fishing with specified gear types for any species or species group. The closure may be for all or part of the management area.

(A) *Attainment of total allowable catch (TAC).* When the Regional Director determines that the TAC for any target species or the *other species* category is or will be achieved prior to December 31 of any year, the retention of that species or species group is prohibited and its must be treated in the same manner as a prohibited species described in §§ 611.2 and 611.11 of this part. The Secretary may allow continued fishing for groundfish, other than the species or species group for which the TAC is or will be achieved, if the amount of such species caught does not exceed the prohibited species catch (PSC) limit determined by the Regional Director as the minimum amount necessary to allow harvesting of the remaining TALFF of target species and that would not significantly risk overfishing the species or species group for which the TAC is or will be achieved.

(B) *Total allowable level of foreign fishing.* If the total allowable level of foreign fishing (TALFF) for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear by foreign vessels. If the TALFF for sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by foreign vessels.

(C) *Allocation of a nation.* If the allocation of a nation for any species or species group except sablefish, turbots, or Pacific cod will be reached, the Regional Director shall prohibit fishing using trawl gear by that nation. If the nation's allocation of sablefish, Pacific cod, or turbots will be reached, the Regional Director shall prohibit fishing for groundfish by all vessels of that nation.

(D) *Prohibited species catch (PSC) limits.* When the annual specification of the initial TALFF as required under 50 CFR 675.20(a)(6) is zero for any target species or the *other species* category, the retention of that species or species group is prohibited and its must be treated in the same manner as a prohibited species described in §§ 611.2 and 611.11 of this part. The Secretary may allow fishing for groundfish other than the species or species group for which the TALFF is zero, providing that the incidental catch of zero-TALFF species does not exceed the PSC limit prescribed for such species in the annual specification. Prescribed PSC limits for groundfish will be determined by the Regional Director, in consultation with the North Pacific Fishery Management Council, as minimum amounts necessary to allow harvesting of the TALFF of target species and that would not significantly risk overfishing of the species or species group for which the TALFF is zero. The Secretary may adjust prescribed PSC limits within a fishing year if such limits become too low due to reapportionment of groundfish to TALFF, unanticipated harvest rates, or specifications based on erroneous information, providing that such adjustment will not significantly risk overfishing of the species or species group for which the TALFF is zero.

(iii) On the effective date of a notice of closure from the Regional Director under the procedures of § 611.13(c), fishing by vessels of that nation is prohibited for the groundfish species or species groups, in the areas and during the periods stated in the notice. A notice of closure issued pursuant to paragraph (b)(3) of this section shall not apply to any receipt or processing by foreign vessels of United States-harvested fish which is authorized by permit issued by the Department of Commerce under the Act. Foreign receipt and processing of U.S. harvested fish may continue until specifically prohibited under the restrictions prescribed in the applicable permit.

(iv) A notification pursuant to paragraph (b)(3)(ii) of this section shall expire: (A) On the effective date of a notification issued pursuant to § 611.13(c) rescinding that previous notice; (B) when the time period stated in that notice expires; or (C) at midnight, Alaska Standard Time, on the following December 31, whichever is earlier.

(4) *Fishing prohibited.* Whether or not a nation receives a notice under paragraph (b)(3) of this section, fishing for groundfish by trawl vessels of a nation is prohibited when that nation's national allocation for any groundfish species is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, or turbots is reached.

(5) *Receiving groundfish prohibited.* (i) Whether or not a nation receives a notice under paragraph (b)(3)(ii) of this section, receipts of U.S.-harvested groundfish that are composed of yellowfin sole, rock sole, and *other flatfish* in the aggregate in any amount greater than or equal to 20 percent of the total amount of groundfish received is prohibited in any bycatch limitation zone or statistical area defined in § 675.2 of this title when the JVP bycatch allowance pertaining to such bycatch limitation zone or statistical area, as specified under § 675.21 of this title, has been attained.

(ii) Whether or not a nation receives a notice under paragraph (b)(3)(ii) of this section, receipts of U.S.-harvested groundfish that are caught with bottom trawl gear and composed of pollock and Pacific cod in the aggregate in any amount greater than or equal to 20 percent of the total amount of groundfish received is prohibited in any bycatch limitation zone or area defined in § 675.2 of this title when the bycatch allowance pertaining to such bycatch limitation zone or statistical area, as specified under § 675.21 of this title, has been attained.

(c) *Open and closed areas*—(1) *General*. Foreign fishing for groundfish may be conducted beyond 12 nautical miles from the baseline used to measure the territorial sea in the entire management area, except as prohibited in this paragraph. No foreign vessels may engage in fishing within 12 nautical miles of the baseline used to measure the territorial sea, unless authorized in this paragraph.

(2) *Fishing*. No fishing is allowed during April 1 through September 30 of each of the 1990 and 1991 fishing years in that part of the Bering Sea subarea shoreward of a line on which each point is 12 miles from the baseline used to measure the Territorial Sea around islands named Round Island and The Twins as shown on National Oceanic Survey Chart INT 500, and around Cape Peirce (160°40′ W. longitude, 58°40′ N. latitude).

(3) *Trawling*. (i) Trawling by foreign vessels between 3 and 12 nautical miles from the baseline used to measure the territorial sea is allowed (A) at all times in the area bounded by 170°00′ W. and 172°00′ W. longitude south of the Aleutians and between 170°30′ W. and 172°00′ W. longitude north of the Aleutians, (B) on Petrel Bank from July 1 through December 31, and (C) from May 1 through December 31 in other areas west of 178°30′ W. longitude. Petrel Bank is bordered by straight lines connecting the following coordinates in the order listed:

Latitude	*Longitude*
52°51′ N.	178°30′ W.
52°51′ N.	179°00′ E.
51°15′ N.	179°00′ E.
51°15′ N.	178°30′ W.
52°51′ N.	178°30′ W.

(ii) Trawling is prohibited in the areas and during the periods which follow:

(A) At all times in the Bristol Bay *Pot Sanctuary* which is the area enclosed by straight lines from Cape Sarichef light at 54°36′ N. latitude, 164°55′42″ W. longitude; to 55°16′ N. latitude, 166°10′ W. longitude; to 56°20′ N. latitude, 163°00′ W. longitude; to 57°10′ N. latitude, 163°00′ W. longitude; to 58°10′ N. latitude, 160°00′ W. longitude; then due south along 160°00′ W. longitude to the Alaska Peninsula.

(B) At all times in the area between 172° W. longitude and 178°30′ W. longitude and south of a line connecting the following coordinates in the order listed: 53°14′ N. latitude, 172°00′ W. longitude; 52°13′ N. latitude, 176°00′ W. longitude; 52°00′ N. latitude, 178°00′ W. longitude; and 52°00′ N. latitude, 178°30′ W. longitude.

(C) From December 1 through May 31 in the area bounded by straight lines connecting the following coordinates in the order listed: 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light); 52°48′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 170°00′ W. longitude; 55°30′ N. latitude, 166°47′ W. longitude, 56°00′ N. latitude, 167°45′ W. longitude; 56°00′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 166°00′ W. longitude; 56°30′ N. latitude, 163°00′ W. longitude; 56°20′ N. latitude, 163°00′ W. longitude; 55°16′ N. latitude, 166°10′ W. longitude, 54°36′ N. latitude, 164°55′42″ W. longitude (Cape Sarichef light).

(D) From January 1 through June 30 in the area known as Petrel Bank, described in paragraph (c)(2)(i) of this section.

(E) Prohibited species catch (PSC) limits—(*1*) *Salmon*. (*i*) During any fishing year, that portion of fishing area 51 lying between 55° N. and 57° N. latitude and 165° W. and 170° W. longitude and all of fishing area 52 may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted an amount of salmon which exceeds by 10 percent that nation's portion of the salmon prohibited species catch (PSC) established for the current fishing year (Table 2), or when vessels of that nation have intercepted an amount of salmon in any consecutive three-year period which exceeds the sum of that nation's portion of the salmon PSC established for those three years. Any salmon caught incidentally by vessels of that nation in the area which remains open will be applied against its portion of the following year's salmon PSC. Fishing areas 51 and 52 are described in appendix C to subpart A, paragraph C, and figure 4.

TABLE 2—TARGET REDUCTION SCHEDULE OF SALMON PROHIBITED SPECIES CATCHES BASED ON THE AVERAGE 1977-80 FOREIGN TRAWL SALMON INCIDENTAL CATCH

Year	Total salmon [1]
Base No. 1977-80	80,000
Reduced catch levels:	
(1981)	69,893
(1982)	59,409
(1983)	48,925
(1984)	38,441
(1985)	27,957
(1986)	17,473

[1] Total salmon numbers are calculated on the assumption that 93% of the incidentally-caught salmon are chinook.

(ii) A nation's initial portion of the salmon PSC for a fishing year will be determined by multiplying the total salmon PSC for that year by the ratio of that nation's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's initial salmon PSC equals total salmon PSC multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations, because groundfish reserves will not yet be apportioned and some of the initial TALFF may not yet be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF and groundfish reserves.

(2) *Pacific halibut, king crab, and Tanner crab.* (*i*) When during any fishing year the trawl vessels of a nation have taken incidentally that nation's current portion of the PSC for Pacific halibut, king crab, or Tanner crab, the entire management area will be closed to trawling by vessels of that nation for the remainder of that fishing year or until that nation's groundfish allocation is increased. Any increase in a nation's groundfish allocation will result in a corresponding increase in its current portion of PSC for Pacific halibut, king crab, and Tanner crab.

(*ii*) For any year (year i), the PSC_{ij}s for each of these species (species j) are based upon the incidental catch rates (R_{ij}) shown in Table 3:

PSC_{ij} equals R_{ij} multipliied by the total groundfish TALFF. Using this formula, the PSC for Pacific halibut, king crab, and Tanner crab will increase in proportion to increases in the total TALFF which result from the apportionment of groundfish reserves or surplus DAH to TALFF under paragraph (b)(2) of this section.

(*iii*) A nation's current portion of the PSC_{ij}s for Pacific halibut, king crab, and Tanner crab, at any time during the fishing year, is determined by multiplying that nation's current groundfish allocation by R_{ij}:

Nation's PSC_{ij} equals R_{ij} multiplied by a nation's groundfish allocation.

TABLE 3—Incidental Catch Rate Reductions for Pacific Halibut, King Crab, and Tanner Crab, Based on the Average 1977-80 Foreign Trawl Groundfish and Prohibited Species Catches

Year	Halibut [1]	King Crab [2]	Tanner Crab [3]
BASE CATCH RATES			
1977-80	3,182	916,804	16,003,329
Average Base	[4] 1,301,250 R=0.00245	[4] 1,301,250 R=0.70456	[4] 1,301,250 R=12.29843
RATE REDUCTION SCHEDULE, R AND R AS PERCENTAGE OF BASE R (Percent)			
(1981)			
(1982)	R=.00220 90%	R=.66933 95%	R=11.6840 95%
(1983)	R=.00196 80%	R=.63410 90%	R=11.0686 90%
(1984)	R=.00171 70%	R=.59887 85%	R=10.4537 85%
(1985)	R=.00147 60%	R=.56365 80%	R=9.8387 80%

TABLE 3—Incidental Catch Rate Reductions for Pacific Halibut, King Crab, and Tanner Crab, Based on the Average 1977-80 Foreign Trawl Groundfish and Prohibited Species Catches—Continued

Year	Halibut [1]	King Crab [2]	Tanner Crab [2]
(1986)	R=.00122 50%	R=.52842 75%	R=9.2236 75%

[1] Metric tons per metric ton of groundfish.
[2] Number of individuals per metric ton of groundfish.
[3] Base R=0.00245.
[4] Base R=0.70456.
[5] Base R=12.29843.

(*iv*) When, during the fishing year, the trawl vessels of a foreign nation conducting directed fishing for yellowfin sole and *other flatfish* in the combined Zones 1 and 2 (areas A and C in Figure 1) catch that nation's share of the PSC limit of 64,000 *C. bairdi* Tanner crabs, the Regional Director will publish a notice in the FEDERAL REGISTER prohibiting trawling by vessels of that nation for yellowfin sole and *other flatfish* in both of these areas for the remainder of the fishing year. A nation's share of this PSC limit will be calculated by multiplying 64,000 by a percent that is equivalent to that nation's portion of the total TALFF of yellowfin sole and *other flatfish*. At the beginning of the fishing year, a portion of this PSC limit will not be distributed to nations, because some of the total TALFF of yellowfin sole and *other flatfish* may not yet be allocated. The undistributed portion of this PSC limit will be subsequently distributed to nations in proportion to increases in their yellowfin sole and *other flatfish* allocations. Apportionments of this PSC limit notwithstanding, the Regional Direc will publish a notice in the FEDE REGISTER prohibiting all foreign tra ing for yellowfin sole and *other flatf* in Zones 1 and 2 when such trawli catches the PSC limit of 64,000 *bairdi* Tanner crabs in the combin zones. For this purpose, Zone 1 is fined as that part of the manageme area south of 58° N. latitude and e of 165° W. longitude exclusive of oth closed areas specified under this p (area A in Figure 1), and Zone 2 is fined as that part of the manageme area bounded by straight lines co necting the following coordinates the order listed and exclusive of oth closed areas specified under this pa (area C in Figure 1):

North latitude	West longitud
54°30′	165°
58°00′	165°
58°00′	171°
60°00′	171°
60°00′	179°
59°25′	179°
54°30′	167°
54°30′	165°

(F) At all times in the area enclos by straight lines connecting the fo lowing coordinates: 57°30′ N. la 162°00′ W. long.; 58°00′ N. lat., 162°0 W. long.; 58°00′ N. lat., 160°30′30″ W long. (area B in Figure 1).

(G) When the domestic fishery fo yellowfin sole and *other flatfish* is pro hibited under § 675.21(b) of this cha ter, the directed fishery for yellowfi sole and *other flatfish* is prohibited the same area specified in § 675.21(b (Area A, Figure 1).

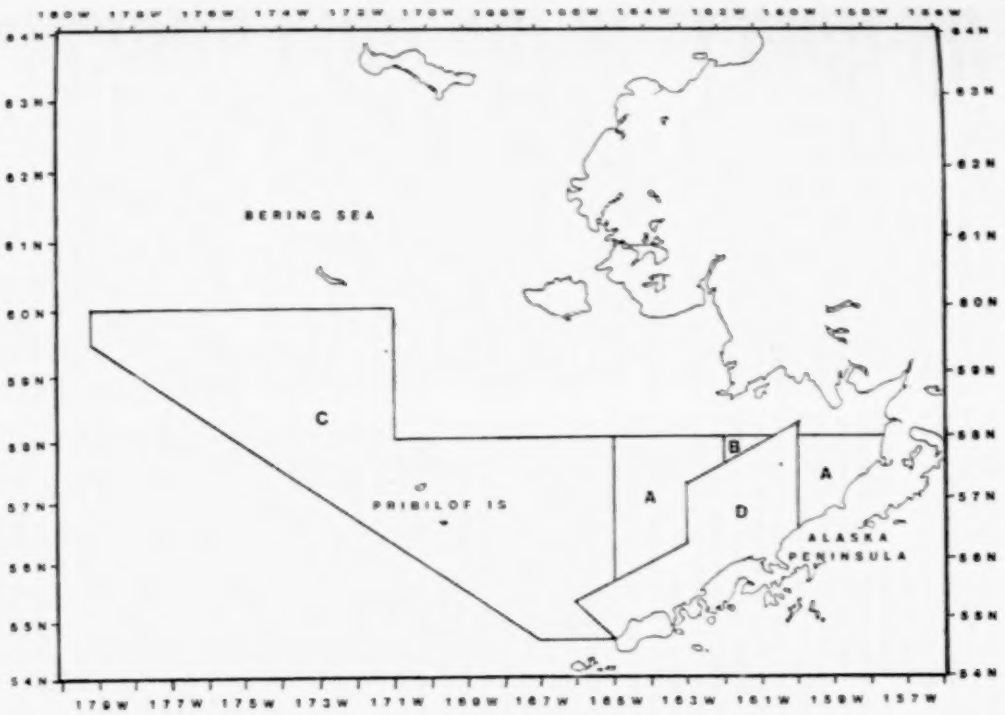

180W
178W
176W
174W
172W
170W
168W
166W
164W
162W
160W
158W
156W
64N
63N
62N
61N
60N
59N
58N
57N
56N
55N
54N
179W
177W
175W
173W
171W
169W
167W
165W
163W
161W
159W
157W
BERING SEA
C
B
A
A
D
PRIBILOF IS
ALASKA
PENINSULA

FIGURE 1

Captions for Figure 1

A. Zone 1 area defined at § 611.93(c)(2)(ii)(E)(2)(iv)

B. Closed area defined at § 611.93(c)(2)(ii)(F)

C. Zone 2 area defined at § 611.93(c)(2)(ii)(E)(2)(iv)

D. Bristol Bay *pot sanctuary* defined at § 611.93(c)(2)(ii)(A)

(4) *Longlining.* (i) Longlining by foreign vessels between 3 and 12 nautical miles from the baseline used to measure the territorial sea is allowed west of 170°00′ W. longitude.

(ii) When U.S. observer information or other reliable reported statistics indicate that foreign longline vessels have intercepted 105 mt of Pacific halibut in the entire management area during the 12-month period June 1 through May 31, the Regional Director shall prohibit further longlining by foreign vessels from that day forward or from December 1, whichever comes later, through May 31, in waters less than 500 meters deep in the area designed under paragraph (c)(2)(ii)(C) of this section. Notice of this prohibition will be given according to procedures specified in § 611.15(c).

(5) *Receipts of fish at sea.* Foreign fishing vessels holding permits to receive U.S.-harvested fish may receive those fish in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured. Receiving foreign-harvested fish in the 3 to 12 mile area is prohibited, except: (i) When the foreign vessel delivering the foreign-caught fish is authorized to harvest fish in the 3 to 12 mile area, or (ii) in the support operations areas designated in § 611.90(c)(2).

(d) *Additional reporting requirements*—(1) *Vessel reporting.* During the period from September 1 through April 30, and for the purposes of the requirements of 50 CFR 611.4(c) only, the area bounded by the following coordinates is a *fishing area* for all foreign trawl vessels fishing for groundfish under this § 611.93: 58° N. latitude, 175° W. longitude; 58° N. latitude, 172° W. longitude, 59°30′ N. latitude, 172° W. longitude, 59°30′ N. latitude, 175° W. longitude. (See appendix C to subpart A, figure 4).

(2) *Reports and recordkeeping.* (i) In addition to the requirements of §§ 611.4 and 611.9, the operator of each foreign fishing vessel fishing for groundfish in the management area and each nation whose vessels fish for groundfish in the management area shall also comply with all the requirements of § 611.90(e)(2) for the prohibited species herring (code 209), even though discarded, and for non-specified species which are retained, by weight of fish to the nearest 1/10 (tenth) of a metric ton.

(ii)(A) During the period September 1 through April 30, and in addition to the requirements of §§ 611.4 and 611.9, each foreign nation shall submit, through the designated representative, a weekly report stating any catch of herring by trawl vessels in the area described in § 611.90(d)(1).

(B) The weekly report shall contain the following information:

(*1*) Name of vessel;

(*2*) Permit number;

(*3*) Effort in hours trawled, by each weekly reporting period, by vessel, by ½° (latitude) × 1° (longitude) of area fished;

(*4*) Catch of herring (code 209) to the nearest 1/10 (one-tenth) of a metric ton, by vessel, by each weekly reporting period, by ½° (latitude) × 1° (longitude) of area fished.

(C) The weekly report shall be received from the designated representative by the Director, Alaska Region (National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, Telex No. 009945-377), at the times specified in § 611.4(g), and in the format specified by the Director, Alaska Region.

(3) *Annual report.* Each nation whose vessels fish for groundfish in the management area shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(i) Effort in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area; and

(ii) Catch in metric tons, by vessel class, by gear type, by month, by ½° latitude and 1° longitude statistical area, by the following species categories: Yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland halibut; other flounders; Pacific Ocean perch; Pacific cod, sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; any other species taken in excess of 1,000 metric tons; *other species*, and retained *non-specified species*.

(e) *Inseason management decisions*—(1) *Field orders.* (i) Any field order issued by the Secretary under this section will include the following:

(A) The Secretary's findings required by paragraph (e)(2) of this section;

(B) A description and order of the modification of time and area limitations, based upon the Secretary's findings; and

(C) The effective dates of the modification.

(ii) No field order issued under this section may take effect until:

(A) It has been filed for publication with the FEDERAL REGISTER;

(B) The foreign nations concerned and the designated representatives for affected foreign fishing vessels are notified. If practicable, notification shall be given at least 48 hours before the field order is to be effective; and

(C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for a period of at least thirty (30) days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation and management of groundfish or unallocated species.

(iii) If the Secretary finds that prior opportunity for public comment on the proposed findings and order of modification would adversely affect the conservation and management of groundfish or unallocated species, he will receive public comments on the field order for thirty (30 days) after its effective date, making available to the public during business hours the aggregate data on which it was based. After considering the comments received, the Secretary will determine whether the field order should be changed.

(iv) Any modification prescribed by a field order issued under this section will remain in effect in accordance with the terms of the field order, or of any subsequent field order which may be issued under this section.

(2) *Prohibited species catch (PSC) limits.* (i) The PSCs or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab established in paragraph (c)(2)(ii)(E) of this section will be reviewed annually by the Secretary, in consultation with the North Pacific Fishery Management Council, in order to respond to changes in relevant circumstances, including the following:

(A) Changes in the stock condition and abundance of prohibited species;

(B) Changes in the stock condition and abundance of target groundfish species, except that such changes will not be considered relevant to the salmon PSC except in the course of a full and complete review of the salmon PSC reduction program to be conducted during 1983;

(C) Changes in the degree of socioeconomic impact of prohibited species catches on the domestic fisheries dependent on those species; and

(D) Changes in the impact of PSCs on the opportunity of foreign fisheries to take their groundfish allocations.

(ii) Based upon the most recent scientific and technical information available, and prior to the beginning of the fishing year, the Secretary may issue a field order under paragraph (e)(1) of this section to adjust the PSC's or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab after consultation with the North Pacific Fishery Management Council under paragraph (e)(2)(i) of this section and after he has considered all of the following in descending order of priority and issued relevant findings:

(A) The need to protect prohibited species for biological and other conservation reasons;

(B) The impact of PSC regulations on the domestic fisheries dependent on prohibited species;

(C) The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and

(D) The impact of PSC regulations on the foreign groundfish fisheries.

(iii) The Regional Director will notify a nation when its portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(ii)(E) of this section, is approached, so that voluntary efforts by vessels of that nation may reduce the incidental catch of these species. When a nation's portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab is reached, the Regional Director shall notify the foreign nation and the designated representatives for affected foreign fishing vessels of the resulting time-area restriction under paragraph (c)(2)(ii)(E) of this section. If practicable, such notification will be given at least 48 hours prior to the restriction. After a nation has caught its portion of the PSC for Pacific halibut, king crab or Tanner crab, the Regional Director may by field order allow a selected portion of that nation's fishing fleet to continue fishing under specified conditions until that nation's groundfish allocation is reached, although any additional incidental catch of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits for that nation. The Regional Director will take into account the following considerations when making such allowance and will issue relevant findings.

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected elements;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

Editorial Note: At 55 FR 9890, Mar. 16, 1990, paragraph (j) was added to § 611.93, and will be correctly designated as paragraph (f), by a NOAA document published in the Federal Register at a later date.

(j) *Prohibitions on directed fishing and restrictions on the retention of incidental catch.* If the Regional Director determines that the amount of a target species or *other species* category apportioned to a fishery is likely to be attained, he may establish a directed fishing allowance for that species or species group. The amount of a species or species group apportioned to a fishery is the amount published annually in the Federal Register, as revised by inseason adjustments, for that species or species group, as identified by subarea and as further identified according to any allocation for TALFF and the apportionment for JVP. In establishing a directed fishing allowance, the Regional Director shall consider the amount of that species or species group which will be taken as incidental catch in directed fishing for other species in the same subarea which is attributable to any TALFF allocation or JVP apportionment. If the Regional Director establishes a directed fishing allowance and that allowance is or will be reached, he will prohibit directed fishing for that species or species group in the specified subarea. The fishery closure procedures of § 611.13(c) of this part apply to the closure of a subarea to directed fishing under this paragraph. No person may engage in directed fishing in violation of a subarea closure. If directed fishing is prohibited, the amount of any catch of that species or species group equal to or greater than the amount which constitutes directed fishing may not be retained and must be treated in the same manner as a prohibited species under § 611.11 of this part.

[46 FR 63304, Dec. 31, 1981]

Editorial Note: For Federal Register citations affecting § 611.93, see the List of CFR Sections Affected in the Finding Aids section of this volume.

Effective Date Note: At 54 FR 32648, Aug. 9, 1989, § 611.93 was amended by adding paragraph (b)(5), effective through December 31, 1990.

§ 611.94 Snail fishery.

(a) *Purpose.* This section regulates foreign fishing for snails (all species of the genera *Neptunea, Fusitriton, Buccinum, Beringius, Volutopsius, Clinopegma, Plicifusus,* and *Pyrulofusus*) in the Bering Sea.

(b) *Authorized fishery*—(1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF, DAH, DAP, JVP, Reserve.* The annual total allowable level of foreign fishing (TALFF), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and reserve for snails for each calendar year are published in the FEDERAL REGISTER. Current amounts are also available from the Regional Director.

(3) *Closures.* The taking of snails for which nation has an allocation is permitted provided that the fishery has not been closed pursuant to § 611.15.

(c) *Area, gear, and other restrictions.* No foreign fishing vessel may:

(1) Fish for snails east of 164° W. long., or within twelve miles of the baseline used to measure the territorial sea;

(2) Fish for snails using gear other than pots; or

(3) Retain in the snail fishery any species other than snails.

(d) *Additional statistical report.* Each nation whose vessels engage in this fishery shall report, by May 30 of the following year, annual catch and effort statistics as follows: *Effort* in number of pots hauled and hours pots soaked, by month, by ½° (lat.) x 1° (long.) statistical area; *Catch* in metric tons of edible meat, by month, by ½° (lat.) x 1° (long.) statistical area.

[43 FR 59293, Dec. 19, 1978, as amended at 47 FR 44266, Oct. 7, 1982; 48 FR 34762, Aug. 1, 1983]

PART 619—PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(b)

Sec.
619.1 Purpose and scope.
619.2 General policy.
619.3 Definitions.
619.4 Factual findings for Federal preemption.
619.5 Commencement of proceedings.
619.6 Rules pertaining to the hearing.
619.7 Secretary's decision.
619.8 Application for reinstatement of State authority.

AUTHORITY: 5 U.S.C. 552(a); 16 U.S.C. 1801 *et seq.*

SOURCE: 51 FR 11925, Apr. 8, 1986, unless otherwise noted.

§ 619.1 Purpose and scope.

The rules in this part, together with the requirements of 5 U.S.C. 554 through 557, prescribe procedures for the conduct of preemption hearings under section 306(b) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1856(b). These rules are issued by the Secretary of Commerce under section 305(g) of the Act and the requirement of 5 U.S.C. 552(a)(1)(C).

§ 619.2 General policy.

It is the policy of the Secretary of Commerce that preemption proceedings will be conducted expeditiously. The administrative law judge and counsel or other representative for each party are encouraged to make every effort at each stage of the proceedings to avoid delay.

§ 619.3 Definitions.

As used in this part, unless the context clearly requires otherwise:

Act means the Magnuson Fishery Conservation and Management Act, as amended, (16 U.S.C. 1801 *et seq.*).

Administrator means the Administrator, National Oceanic and Atmospheric Administration (NOAA), or any person to whom the Administrator's authority has been delegated.

Council means any appropriate Regional Fishery Management Council established under Title III of the Act.

Party to the proceeding means the Administrator and each State served with a notice of proposed preemption (as represented by such State's Attorney General or other official representative).

Predominately means, with respect to fishing in a fishery, that more fishing on a stock or stocks of fish covered by the fishery management plan occurs, or would occur in the absence of regulations, within or beyond the EEZ than occurs in the aggregate within the boundaries of all States off the coasts of which the fishery is conducted.

Secretary means the Secretary of Commerce.

State means any State or States, as defined in section 3(21) of the Act, with respect to which action is taken under this part.

State action or omission that affects a fishery covered by a fishery management plan includes a State's statutes, conservation and management regulations, judicial decisions, policies, and enforcement practices, or the lack thereof.

Substantially (affects) means, with respect to whether a State's action or omission will substantially affect the carrying out of a fishery management plan (FMP) for a fishery, that those effects are important or material, or considerable in degree. The effects of a State's action or omission for purposes of this definition include effects upon:

(1) The achievement of the FMP's goals or objectives for the fishery;

(2) The achievement of optimum yield from the fishery on a continuing basis;

(3) The attainment of the national standards for fishery conservation and management (as set forth in section 301(a) of the Act) and compliance with other applicable law; or

(4) The enforcement of regulations implementing the FMP.

[51 FR 11925, Apr. 8, 1986, as amended at 53 FR 24653, June 29, 1988]

§ 619.4 Factual findings for Federal preemption.

(a) The two factual findings for Federal preemption of State management authority over a fishery are:

(1) The fishing in a fishery, which is covered by a fishery management plan implemented under the Act, is engaged in predominately within the EEZ and beyond such zone; and

(2) A State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan.

(b) Whether fishing is engaged in "predominately" within or beyond the EEZ will be determined after consideration of relevant factors, including but not limited to, the catch (based on numbers, value, or weight of fish caught, or other relevant factors) or fishing effort during the appropriate period, and in light of historical patterns of the distribution of catch or fishing effort for such stock or stocks of fish.

(c) Whether relevant effects are substantial will be determined after consideration of the magnitude of such actual or potential effects. Relevant to this determination are various factors, including but not limited to, the proportion of the fishery (stock or stocks of fish and fishing for such stocks) that is subject to the effects of a particular State's action or omission, the characteristics and status (including migratory patterns and biological condition) of the stock or stocks of fish in the fishery, and the similarity or dissimilarity between the goals, objectives, or policies of the State's action or omission and the management goals or objectives specified in the FMP for the fishery or between the State and Federal conservation and management measures of the fishery.

[51 FR 11925, Apr. 8, 1986, as amended at 53 FR 24653, June 29, 1988]

§ 619.5 Commencement of proceedings.

(a) *Notice of proposed preemption.* (1) If a proceeding under this part is deemed necessary, the Administrator must issue a notice of proposed preemption to the Attorney General of the State or States concerned. The notice will contain:

(i) A recital of the legal authority and jurisdiction for instituting the proceeding;

(ii) A concise statement of the § 619.4 factual findings for Federal preemption upon which the notice is based; and,

(iii) The time, place, and date of the hearing.

(2) The notice of proposed preemption will also be published in the FEDERAL REGISTER. This notice may be combined with any notice of proposed rulemaking published under paragraph (d)(1) of this section.

(b) *Response.* The State will have the opportunity to respond in writing to the notice of proposed preemption.

(c) *Amendment.* The Administrator may, at any time prior to the Secrey's decision, withdraw the notice of oposed preemption. Upon motion of her party before the record is sed, the administrative law judge ay amend the notice of proposed eemption.

d) *Proposed regulations.* (1) *In gen-al.* If additional regulations are re-ired to govern fishing within the undaries of a State, the Administra-r may publish proposed regulations the FEDERAL REGISTER concurrently ith issuing the notice indicated in aragraph (a) of this section.

(2) *Emergency actions.* Nothing in is section will prevent the Secretary om taking emergency action under ection 305(e) of the Act.

619.6 Rules pertaining to the hearing.

(a) The civil procedure rules of the ational Oceanic and Atmospheric dministration currently set forth in 5 CFR part 904, subpart C (or as sub-equently amended), apply to the pro-eeding after its commencement by ervice of notice (pursuant to § 619.5) nd prior to the Secretary's decision § 619.7), *except* that the following sec-ions will not apply:

(1) 15 CFR 904.201 (Definitions)

(2) 15 CFR 904.206(a)(1) (Duties and powers of Judge); and

(3) 15 CFR 904.272 (Administrative review of decision).

(b) *Additional duties and powers of Judge*—(1) *Time periods.* The administrative law judge is authorized to modify all time periods pertaining to the course of the hearing (under §§ 619.5 and 619.6) to expedite the proceedings, upon application and appropriate showing of need or emergency circumstances by a party.

(2) *Intervention.* Intervention by persons not parties is not allowed.

§ 619.7 Secretary's decision.

(a) The Secretary will, on the basis of the hearing record the administrative law judge's recommended decision:

(1) Accept or reject any of the findings or conclusions of the administrative law judge and decide whether the factual findings exist for Federal preemption of a State's authority within its boundaries (other than in its internal waters) with respect to the fishery in question;

(2) Reserve decision on the merits or withdraw the notice of proposed preemption; or

(3) Remand the case to the administrative law judge for further proceedings as may be appropriate, along with a statement of reasons for the remand.

(b) *Notification.* (1) If the factual findings for Federal preemption are determined to exist, the Secretary will notify in writing the Attorney General of that State and the appropriate Council(s) of the preemption of that State's authority. The Secretary will also direct the Administrator to promulgate appropriate regulations proposed under § 619.5(d) and otherwise to begin regulating the fishery within the State's boundaries (other than in its internal waters).

(2) If the factual findings for Federal preemption are determined not to exist, the Secretary will notify, in writing, the Attorney General of the State and the appropriate Council(s) of that determination. The Secretary will also direct the Administrator to issue a notice withdrawing any regulations proposed under § 619.5(d).

§ 619.8 Application for reinstatement of State authority.

(a) *Application or notice.* (1) At any time after the promulgation of regulations under § 619.7(b)(1) to regulate a fishery within a State's boundaries, the affected State may apply to the Secretary for reinstatement of State authority. The Secretary may also serve upon such State a notice of intent to terminate such Federal regulation. A State's application must include a clear and concise statement of (i) the action taken by the State to correct the action or omission found to have substantially and adversely affected the carrying out of the fishery management plan, or (ii) any changed circumstances which affect the relationship of the State's action or omission to take action to the carrying out of the fishery management plan (including any amendment to such plan); and (iii) any laws, regulations, or other materials which the State believes support the application.

(2) Any such application received by the Secretary or notice issued to the State will be published in the FEDERAL REGISTER.

(b) *Informal response.* The Secretary has sole discretion to accept or reject the application or response. If the Secretary accepts the application or rejects any responses and finds that the reasons for regulation of the fishery within the boundaries of the State no longer prevail, the Secretary will promptly terminate such regulation and publish in the FEDERAL REGISTER any regulatory amendments necessary to accomplish that end.

(c) *Hearing.* The Secretary has sole discretion to direct the Administrator to schedule hearings for the receipt of evidence by an administrative law judge. Hearings before the administrative law judge to receive such evidence will be conducted in accordance with § 619.6. Upon conclusion of such hearings, the administrative law judge will certify the record and a recommended decision to the Secretary. If the Secretary, upon consideration of the State's application or any response to the notice published under § 619.8(a)(2), the hearing record, the recommended decision, and any other relevant materials finds that the reasons for regulation of the fishery within the boundaries of the State no longer prevail, the Secretary will promptly terminate such regulation and publish in the FEDERAL REGISTER any regulatory amendments necessary to accomplish that end.

PART 620—GENERAL PROVISIONS FOR DOMESTIC FISHERIES

Sec.

620.1 Purpose.
620.2 Definitions.
620.3 Relation to other laws.
620.4 Permits.
620.5 Recordkeeping and reporting.
620.6 Vessel and gear identification.
620.7 General prohibitions.
620.8 Facilitation of enforcement.
620.9 Penalties.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 53 FR 24653, June 29, 1988, unless otherwise noted.

§ 620.1 Purpose.

The purpose of this part is to collect and display the general provisions common to all domestic fishing regulations appearing at parts 630 through 699 of this chapter.

§ 620.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part and in parts 630 through 699 of this chapter have the following meanings:

Administrator means the Administrator of NOAA (Under Secretary of Commerce for Oceans and Atmosphere) or a designee.

Area of custody means any vessel, building, vehicle, live car, pound, pier, or dock facility where fish might be found.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or a designee.

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of NMFS;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Catch, take, or *harvest* includes, but is not limited to, any activity which results in killing any fish or bringing any live fish on board a vessel.

Dealer means the person who first receives fish by way of purchase, barter, or trade.

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from ich the territorial sea of the United ates is measured.

Fish means any finfish, mollusk, ustacean, or parts thereof, and all her forms of marine animal and ant life other than marine mamals, birds, and highly migratory spees of tuna.

Fishery resource means any fish, any ock of fish, any species of fish, and y habitat of fish.

Fishing, or *to fish*, means any activi, other than scientific research concted by a scientific research vessel, hich involves:

(a) The catching, taking, or harvestg of fish;

(b) The attempted catching, taking, harvesting of fish;

(c) Any other activity which can reanably be expected to result in the tching, taking, or harvesting of fish; r

(d) Any operations at sea in support f, or in preparation for, any activity escribed in paragraphs (a), (b), or (c) f this definition.

Fishing vessel means any vessel, oat, ship, or other craft which is used or, equipped to be used for, or of a ype which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more essels at sea in the performance of ny activity relating to fishing, including, but not limited to, preparation, upply, storage, refrigeration, transortation, or processing.

Magnuson Act means the Magnuson Fishery Conservation and Managenent Act, 16 U.S.C. 1801 *et seq.*, as amended.

NMFS means the National Marine Fisheries Service, NOAA.

NOAA means the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Official number means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or by the U.S. Coast Guard for an undocumented vessel.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Retain, retain aboard, or *retain on board* means to fail to return fish to the sea after a reasonable opportunity to sort the catch.

Secretary means the Secretary of Commerce, or a designee.

State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

U.S. fish processors means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

U.S.-harvested fish means fish caught, taken or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) Any vessel documented under chapter 121 of title 46, United States Code;

(b) Any vessel numbered under chapter 123 of title 46, United States Code, and measuring less than 5 net tons;

(c) Any vessel numbered under chapter 123 of title 46, United States Code, and used exclusively for pleasure; and

(d) Any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure.

§ 620.3 Relation to other laws.

(a) *General.* Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities. Vessel operators may wish to refer to U.S. Coast Guard regulations at U.S.C. Titles 33—Navigation and Navigable Waters and 46—Shipping, to 15 CFR part 904 subpart D—Permit Sanctions and Denials, and to U.S.C. Title 43—Public Lands (in regard to marine sanctuaries).

(b) *State responsibilities.* Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a State/Federal agreement for data collection and a tripartite agreement among the State, the U.S. Coast Guard, and the Secretary for enforcement.

(c) *Submarine cables.* Fishing vessel operators must exercise due care in the conduct of fishing activities near submarine cables. Damage to the submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protecion of Submarine Cables. Fishing vessel operators also should be aware that the Submarine Cable Act prohibits fishing operations at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one-quarter nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken.

(d) *Marine mammals.* Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth at parts 216 and 229 of this title.

(e) *Halibut fishing.* Fishing for halibut is governed by regulations of the International Pacific Halibut Commission set forth at part 301 of this title.

(f) *Marine sanctuaries.* All fishing activity, regardless of species sought, is prohibited under 15 CFR part 924 in the U.S.S. Monitor Marine Sanctuary, which is located approximately 15 miles southwest of Cape Hatteras off the coast of North Carolina.

[53 FR 24653, June 29, 1988, as amended at 54 FR 50394, Dec. 6, 1989]

§ 620.4 Permits.

Regulations pertaining to permits required for certain fisheries are set forth in the parts governing those fisheries.

§ 620.5 Recordkeeping and reporting.

Regulations pertaining to records and reports required for certain fisheries are set forth in the parts governing those fisheries.

§ 620.6 Vessel and gear identification.

Regulations pertaining to special vessel and gear markings required for certain fisheries are set forth in the parts governing those fisheries.

§ 620.7 General prohibitions.

It is unlawful for any person to do any of the following:

(a) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import, or export, any fish or parts thereof taken or retained in violation of the Magnuson Act or any regulation or permit issued under the Magnuson Act.

(b) Transfer or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel, while such vessel is in the EEZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Magnuson Act which authorizes the receipt by such vessel of U.S.-harvested fish.

(c) Fail to comply immediately with enforcement and boarding procedures specified in § 620.8 of this part.

(d) Refuse to allow an authorized officer to board a fishing vessel or to enter areas of custody for purposes of conducting any search, inspection, or seizure in connection with the enforcement of the Magnuson Act.

(e) Dispose of fish or parts thereof or other matter in any manner, after any communication or signal from an authorized officer, or after the aproach by an authorized officer or an nforcement vessel.

(f) Forcibly assault, resist, oppose, npede, intimidate, threaten, or interere with any authorized officer in the onduct of any search, inspection, or eizure in connection with enforceent of the Magnuson Act.

(g) Interfere with, delay, or prevent y any means, the apprehension of anther person, knowing that such erson has committed any act prohibted by the Magnuson Act.

(h) Resist a lawful arrest for any act rohibited under the Magnuson Act.

EFFECTIVE DATE NOTE: At 55 FR 22337, une 1, 1990, an emergency interim rule was ssued amending § 620.7 by adding paraaph (i), effective from May 25, 1990 hrough August 23, 1990. At 55 FR 35436, ug. 30, 1990, the effective date was exended through November 21, 1990. For the onvenience of the user, the emergency inerim rule appears below.

620.7 General prohibitions.

* * * * *

(i) Fish for or land any mollusks from the Georges Bank Area, defined at 50 CFR 652.23(a)(4)(i), except that the adductor muscle of Atlantie sea scallops may be landed.

620.8 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to parts 630 through 699 of this chapter must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this chapter.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) VHF-FM radiotelephone is the preferred method for communicating between vessels. If the size of the vessel and the wind, sea, and visibility conditions allow, a loudhailer may be used instead of the radio. Hand signals, placards, high frequency radiotelephone, or voice may be employed by an authorized officer, and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop. In the International Code of Signals, "L" (.-..)[1] means "you should stop your vessel instantly."

(4) Failure of a vessel's operator promptly to stop the vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must

(1) Guard Channel 16, VHF-FM, if so equpped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer or observer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

---

[1] Period (.-..) means a short flash of light; dash (—) means a long flash of light.

(1) "AA" repeated (.-.-) is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-. -.-- -.-. -.--) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... --.- ...--) means "you should stop or heave to; I am going to board you."

[53 FR 24653, June 29, 1988; 53 FR 27798, July 22, 1988]

§ 620.9 Penalties.

Any person committing or fishing vessel used in the commission of a violation of the Magnuson Act or any regulation issued under the Magnuson Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson Act, to part 621 of this chapter, to 15 CFR part 904 (Civil Procedures), and to other applicable law.

PART 621—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
621.1 Purpose and scope.
621.2 Enforcement policy.
621.3 Definitions.

Subpart B—[Reserved]

AUTHORITY: 16 U.S.C. 1801-1882.

Subpart A—Introduction

§ 621.1 Purpose and scope.

(a) Section 308 of the Magnuson Act authorizes the Secretary to assess a civil penalty, in an amount not to exceed $25,000, for each violation against any person found to have committed an act prohibited by section 307. Each day of a continuing violation is considered a separate offense. The Administrator has been delegated the authority to assess these administrative money penalties.

(b) Section 204(b)(12) of the Magnuson Act details the circumstances under which the Administrator is to revoke, suspend, or modify certain foreign fishing vessel permits. Regulations implementing specific fishery management plans contain provisions for permit sanctions in respect both to foreign and domestic fishing vessels.

(c) Section 310(c) of the Magnuson Act makes provisions of the customs laws relating to, among other things, the remission or mitigation of forfeitures and the compromise of claims, applicable to forfeitures of fishing vessels and fish alleged to be authorized under the Magnuson Act. The Department of Commerce is authorized to entertain petitions for administrative settlement of property seizures made under the Magnuson Act which would otherwise proceed to judicial forfeiture.

[45 FR 18932, Mar. 24, 1980, as amended at 50 FR 12785, Apr. 1, 1985; 53 FR 24655, June 29, 1988]

§ 621.2 Enforcement policy.

(a) The Magnuson Act provides four basic enforcement remedies for violations, in ascending order of severity as follows:

(1) Issuance of a citation (a type of warning), usually at the scene of the offense (see 15 CFR part 904 subpart E);

(2) Assessment by the Administrator of a civil money penalty;

(3) For certain violations, judicial forfeiture action against the vessel and its catch; and

(4) Criminal prosecution of the owner or operator for some offenses. It shall be the policy of the Agency to

enforce vigorously and equitably the provisions of the Magnuson Act by utilizing that form or combination of authorized remedies best suited in a particular case to this end.

(b) Processing a case under one remedial form usually means that other remedies are inappropriate in that case. However, further investigation or later review may indicate the case to be either more or less serious than initially considered, or may otherwise reveal that the penalty first pursued is inadequate to serve the purposes of the Magnuson Act. Under such circumstances, the Agency may pursue other remedies either in lieu of or in addition to the action originally taken. Forfeiture of the illegal catch does not fall within this general rule and is considered in most cases as only the initial step in remedying a violation by removing the ill-gotten gains of the offense (see paragraph (d) of this section).

(c) If a fishing vessel for which a permit has been issued under the Magnuson Act is used in the commission of an offense prohibited by section 307 of the Magnuson Act, the Agency may impose permit sanctions whether or not civil or criminal action has been undertaken against the vessel or its owner or operator. In some cases, the Magnuson Act requires permit sanctions following the assessment of a civil penalty or the imposition of a criminal fine. In sum, the Magnuson Act treats sanctions against the fishing vessel permit to be the carrying out of a purpose separate from that accomplished by civil and criminal penalties against the vessel or its owner or operator.

[45 FR 18932, Mar. 24, 1980, as amended at 50 FR 12785, Apr. 1, 1985; 50 FR 36435, Sept. 6, 1985; 53 FR 24655, June 29, 1988]

§ 621.3 Definitions.

Terms used in this part have the meanings prescribed in section 3 of the Magnuson Act and as set forth in § 620.2 of this chapter.

[53 FR 24655, June 29, 1988]

Subpart B—[Reserved]

PART 625—SUMMER FLOUNDER FISHERY

Subpart A—General Provisions

Sec.

625.1 Purpose and scope.
625.2 Definitions.
625.3 Relation to other laws.
625.4 Vessel permits and fees.
625.5 Recordkeeping and reporting. [Reserved]
625.6 Vessel identification.
625.7 Prohibitions.
625.8 Facilitation of enforcement.
625.9 Penalties.

Subpart B—Management Measures

625.20 Fishing year. [Reserved]
625.21 Allowable levels of harvest. [Reserved]
625.22 Closure of fishery. [Reserved]
625.23 Minimum fish size.
625.24 Gear restrictions. [Reserved]
625.25 Time restrictions. [Reserved]

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 53 FR 39477, Oct. 7, 1988, unless otherwise noted.

Subpart A—General Provisions

§ 625.1 Purpose and scope.

The regulations in this part implement the Fishery Management Plan for the Summer Flounder Fishery (FMP), which was prepared and adopted by the Mid-Atlantic Fishery Management Council in cooperation with the New England and South Atlantic Fishery Management Councils and approved by the Under Secretary for Oceans and Atmosphere, NOAA.

§ 625.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Charter or *party boat* means any vessel which carries passengers for hire to engage in fishing.

Fishery Management Plan (FMP) means the Fishery Management Plan for the Summer Flounder Fishery and any amendments thereto.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

NEFC means the Northeast Fisheries Center, NMFS, Water Street, Woods Hole, MA 02543.

Person who receives summer flounder for commercial purposes means any person (excluding governments and governmental entities) engaged in commerce who is the first purchaser of summer flounder. The term includes, but is not limited to, dealers, brokers, processors, cooperatives, or fish exchanges. It does not include a person who only transports summer flounder between a fishing vessel and a first purchaser.

Regional Director means the Director, Northeast Region, NMFS, Federal Building, 14 Elm Street, Gloucester, MA 01930-3799, telephone 508-281-3600, or a designee.

Regulated fishery means any fishery of the United States which is regulated under the Magnuson Act.

Summer flounder means *Paralichthys dentatus.*

Total length (TL) means the distance from the tip of the head to the tip of the tail (caudal fin) while the fish is lying on its side normally extended.

Vessel length means that length specified on State registration or U.S. Coast Guard documentation.

§ 625.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Additional regulations governing fishing for summer flounder by foreign vessels in the EEZ are set forth in 50 CFR part 611, subparts A and C.

§ 625.4 Vessel permits and fees.

(a) *General.* (1) Any vessel of United States fishing for summer flounder in the EEZ must have a permit required by this part aboard the vessel. A vessel with a permit issued under these regulations is required to fish and land under these regulations unless the vessel lands in a State having larger minimum summer flounder size limits than those provided in these regulations; in that case the landings must meet the State limits. A recreational vessel is exempt from the permitting requirement if it catches no more tha 100 pounds of summer flounder pe trip.

(2) Vessel owners or operators wh apply for a fishing vessel permit unde this section must agree as a conditio of the permit that the vessel's fishin and catch (without regard to whethe such fishing occurs in the EEZ o landward of the EEZ, and withou regard to where such fish are po sessed, taken, or landed), will be su ject to all the requirements of th part.

(b) *Eligibility.* [Reserved]

(c) *Application.* (1) An applicatio for a permit under this part must b submitted and signed by the owner o operator of the vessel on an appropr ate form obtained from the Region Director at least 30 days prior to th date on which the applicant desires t have the permit made effective.

(2) An applicant must provide all o the following information:

(i) The name, mailing address i cluding ZIP code, and telephon number of the owner and master o the vessel;

(ii) The name of the vessel;

(iii) The vessel's U.S. Coast Gua documentation number or the vessel State registration number for a vess not required to be documented unde Title 46 of the U.S. Code;

(iv) Home port and principal port o landing, gross tonnage, radio call sig and length of the vessel;

(v) Engine horsepower of the ves and the year the vessel was built;

(vi) Type of construction, type o propulsion, navigational aids (e.g Loran C), type of on-board compute and type of echo sounder of the vess

(vii) Permit number of any curren or previous Federal fishery perm issued to the vessel;

(viii) Approximate fish hold capacit of the vessel (to the nearest 100 lbs);

(ix) Type and quantity of fishin gear used by the vessel;

(x) Average size of the crew, inclu ing the captain, which may be state in terms of a normal range;

(xi) Directed fishery or fisheries;

(xii) Quantity of summer flound landed during the calendar year pri to the one for which the permit being applied;

(xiii) Number of passengers the vessel is licensed to carry (party and charter boats); and

(xiv) Any other information concerning vessel characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (c)(2) of this section must be submitted by the applicant in writing to the Regional Director within 15 days of the change.

(d) *Fees.* No fee is required for any permit issued under this part.

(e) *Issuance.* The Regional Director will issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(f) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged.

(g) *Duration.* A permit will continue in effect until December 31 of each year unless it is revoked, suspended, or modified under 15 CFR part 904.

(h) *Alteration.* No person may alter, erase, or mutilate any permit. Any permit which has been intentionally altered, erased, or mutilated is invalid.

(i) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator, stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit will not be considered a new application.

(j) *Transfer.* Permits issued under this part are not transferable or assignable. A permit will be valid only for the fishing vessel and owner for which it is issued.

(k) *Display.* The permit is subject to inspection by an authorized officer.

(l) *Suspension and revocation.* Subpart D of 15 CFR part 904 (Civil Procedures) governs the imposition of sanctions against a permit issued under this part.

§ 625.5 Recordkeeping and reporting. [Reserved]

§ 625.6 Vessel identification.

(a) *Vessel name.* Each fishing vessel subject to this part and over 25 feet in length must display its name on the port and starboard sides of its bow and, as possible, on its stern.

(b) *Official number.* Each fishing vessel subject to this part and over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft.

(c) *Numerals.* Except as provided in paragraph (e) of this section, the official number must be displayed in block arabic numerals in contrasting color at least 18 inches in height for fishing vessels over 65 feet in length, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, will be that length set forth in U.S. Coast Guard or State records.

(d) *Duties of owner or operator.* The owner or operator of each vessel subject to this part will:

(1) Keep the vessel's name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

(e) *Non-permanent marking.* Vessels carrying recreational fishing parties on a per capita basis or by charter must use markings that meet the above requirements, except for the requirement that they be affixed permanently to the vessel. The non-permanent markings must be displayed in conformity with the above requirements when the vessel is fishing for summer flounder.

§ 625.7 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person owning or operating a vessel issued a permit under § 625.4 to do any of the following:

(1) Land or possess at sea any summer flounder, or parts thereof, which fail to meet the minimum fish size specified in § 625.23; and

(2) Fail to affix and maintain markings as required by § 625.6.

(b) It is unlawful for any person to do any of the following:

(1) Use any vessel of the United States (except for recreational fishing vessels catching no more than 100 pounds per trip) for the taking, catching, harvesting, or landing of any summer flounder taken from the EEZ unless the vessel has a valid permit issued under this part and the permit is aboard the vessel;

(2) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, or export any summer flounder taken, retained, possessed, or landed in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act;

(3) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvest, landing, purchase, sale, possession, or transfer of any summer flounder;

(4) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcement of this part; or

(5) Fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel.

(c) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulations or permit issued under the Magnuson Act.

§ 625.8 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 625.9 Penalties.

See § 620.9 of this chapter.

Subpart B—Management Measures

§ 625.20 Fishing year. [Reserved]

§ 625.21 Allowable levels of harvest. [Reserved]

§ 625.22 Closure of fishery. [Reserved]

§ 625.23 Minimum fish size.

(a) The minimum size for summer flounder, including parts thereof, is 13 inches TL.

(b) *Increase in the minimum fish size.* (1) The Secretary must, based upon a recommendation of the Council, increase the minimum size for summer flounder to 14 inches TL beginning 3 years after the date of implementation of these regulations, or upon annual reassessment thereafter, if the Regional Director determines that the trend in fishing mortality of age-2 summer flounder has increased from the baseline established by the NEFC using survey and catch-at-age data from 1976–1988.

(2) In making this determination, the Regional Director must consider:

(i) Fishing mortality estimated from the NEFC's spring survey;

(ii) Fishing mortality estimated from a virtual population analysis based on commercial and recreational catch per unit of effort; and

(iii) Any other relevant information.

(3) Any increase in the minimum size must be published as a notice in the FEDERAL REGISTER with the basis for such increase.

§ 625.24 Gear restrictions. [Reserved]

§ 625.25 Time restrictions. [Reserved]

PART 628—ATLANTIC BLUEFISH FISHERY

Subpart A—General Provisions

Sec.
628.1 Purpose and scope.
628.2 Definitions.
628.3 Relation to other laws.
628.4 Permits and fees.
628.5 Prohibitions.
628.6 Facilitation of enforcement.
628.7 Penalties.

Subpart B—Management Measures

628.20 Fishing year.
628.21 Possession limit.
628.22 Catch monitoring, commercial controls, and gear restrictions.
628.23 Closure of fishery.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 55 FR 18733, May 4, 1990, unles otherwise noted.

Subpart A—General Provisions

§ 628.1 Purpose and scope.

The regulations in this part implement the Fishery Management Pla for the Bluefish Fishery, which wa prepared and adopted by the Mid-At lantic Fishery Management Council and the Atlantic States Marine Fisheries Commission in cooperation with the New England and South Atlantic Fishery Management Councils. These regulations govern the conservation and management of Atlantic bluefish in the EEZ.

§ 628.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Bluefish means *Pomatomus saltatrix.* Bluefish, for the purposes of this part, refers to bluefish in the Atlantic EEZ from the eastern coast of Florida to Maine.

Charter or party boat means any vessel that carries passengers for hire to engage in fishing.

Commission means the Atlantic States Marine Fisheries Commission.

Committee means the Bluefish FMP Review and Monitoring Committee of the Council.

Council means the Mid-Atlantic Fishery Management Council.

Fishery Management Plan (FMP) means the Fishery Management Plan for the Bluefish Fishery and any amendments thereto.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

NEFC means the Northeast Fisheries Center, NMFS, Water Street, Woods Hole, MA 02543.

Pair trawl means a net attached to and towed by two vessels.

Person who receives bluefish for commercial purposes means any person (excluding representatives of governmental agencies) engaged in the sale, barter, or trade of bluefish received from a fisherman, or one who transports bluefish from a fisherman.

Purse seine means a floated and weighted net that is closed by means of a draw string threaded through rings attached to the bottom of the net.

Regional Director means the Director, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930, telephone 508-281-9243, or a designee.

Regulated fishery means any fishery of the United States which is regulated under the Magnuson Act.

Runaround gillnet or encircling gillnet means a rectangular net placed upright in the water column in a circular fashion with an opening equal to or less than ¼ the length of the net or with an opening greater than ¼ the length of the net if the opening is obstructed in any fashion.

Vessel length means that length specified on State registration or U.S. Coast Guard documentation.

§ 628.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Additional regulations governing fishing for bluefish by foreign vessels in the EEZ are set forth in 50 CFR part 611, subparts A and C.

§ 628.4 Permits and fees.

(a) *General.* (1) Any person selling bluefish harvested in the EEZ must have either a valid permit issued under this part or a valid State of landing permit to sell bluefish.

(2) Any person who applies for a permit under this section, or who uses a valid state permit to sell fish harvested from the EEZ, must agree as a condition of using either permit that his/her bluefish catch and gear (without regard to whether fishing occurs in the EEZ or landward of the EEZ, and without regard to where such bluefish or gear are possessed, taken, or landed) will be subject to all the requirements of this part. All such catch and gear will remain subject to any applicable State or local requirements. If a requirement of this part and a conservation measure required by a state or local law differ, any person issued a permit under this section or using a valid State permit to sell bluefish harvested from the EEZ must comply with the more restrictive requirement.

(b) *Application.* (1) An application for a permit under this part must be signed by the applicant on an appropriate form obtained from the Regional Director and submitted at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) An applicant must provide all the following information:

(i) The name, mailing address, including zip code, and telephone number of the applicant;

(ii) The height, weight, hair color, and eye color of an individual applicant;

(iii) If the applicant represents a corporation, the certificate of incorporation;

(iv) Percentage of annual income derived from the sale of bluefish; and

(v) Any other information required by the Regional Director.

(3) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 21 days following the date of notification, the application will be discarded.

(4) Any change in the information specified in paragraph (b)(2) of this section must be submitted by the applicant in writing to the Regional Director within 15 days of the change.

(c) *Fees.* The Regional Director may charge a fee consistent with the Magnuson Act for the issuance of the federal permit.

(d) *Issuance.* The Regional Director will issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(e) *Duration.* A permit will continue in effect until December 31 of each year unless it is revoked, suspended, or modified under 15 CFR part 904.

(f) *Alteration.* No person may alter, erase, or mutilate any permit. Any permit which has been altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the applicant, stating the need for replacement and the fishing permit number assigned. An application for a replacement permit will not be considered a new application. The Regional Director may charge a fee consistent with the Magnuson Act for the issuance of the replacement permit.

(h) *Transfer.* Permits issued under this part are not transferable or assignable. A permit will be valid for the person for which it is issue

(i) *Display.* A person issued a pe under this section must be abl present the permit for inspe when requested by an authorized cer.

(j) *Suspension and revocation.* part D of 15 CFR part 904 (Civil cedures) governs the imposition sanctions against a permit is under this part.

§ 628.5 Prohibitions.

In addition to the general pro tions specified in § 620.7 of this c ter, it is unlawful for any person t any of the following:

(a) Possess in or harvest from EEZ Atlantic bluefish in excess of daily possession limit specified § 628.21, unless that person ha permit meeting the requirements § 628.4(a);

(b) Possess, have custody or con of, ship, receive, barter, trade, tr port, offer for sale, sell, purch import, or export any bluefish ta retained, or landed in violation of Magnuson Act, or any regulation permit issued under the Magnu Act;

(c) Fish under a permit meeting requirements of § 628.4(a) in viola of a notice of restriction publis under § 628.22;

(d) Fish in the EEZ under a per meeting the requirements of § 628. during a closure under § 628.23;

(e) Fail to report to the Regional rector within 15 days, any change the information in the application a permit under § 628.4;

(f) Fail to present any permit m ing the requirements of § 628. upon request of an authorized offi

(g) Sell any Atlantic bluefish vested from the EEZ unless person has a permit that meets the quirements of § 628.4(a);

(h) Make any false statement, w ten or oral, to an authorized offi concerning the taking, catching, vesting, landing, purchase, sale, session, or transfer of any Atla bluefish; or

(i) Violate any other provision this part, the Magnuson Act, or regulation or permit issued under the Magnuson Act.

§ 628.6 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 628.7 Penalties.

See § 620.9 of this chapter.

Subpart B—Management Measures

§ 628.20 Fishing year.

The fishing year is from January 1 through December 31.

§ 628.21 Possession limit.

(a) *Possession limit.* (1) No person shall possess more than ten bluefish unless he/she has a permit meeting the requirements of § 628.4(a).

(2) Bluefish caught while in possession of a permit meeting the requirements of § 628.4(a) must be kept separate from the pooled catch and in the possession of the permit holder at all times.

(3) If Atlantic bluefish are filleted into two or more sections, such fillets shall be deemed to be whole Atlantic bluefish using a ratio of 1:2 (two fillets to one whole fish). If Atlantic bluefish are filleted into a single (butterfly) fillet, such fillets shall be deemed to be whole Atlantic bluefish.

(4) Atlantic bluefish harvested from party and charter boats or other vessels carrying more than one person may be commingled. Compliance with the daily possession limit will be determined by dividing the number of Atlantic bluefish on board by the number of persons on board, provided, however, that if a person or persons on board are fishing under a permit meeting the requirements of § 628.4(a), his/her catch shall not be counted for determining compliance with the possession limit if it is maintained in the possession of such person(s). If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner and/or operator.

(b) *Adjustment of the possession limit.* The Secretary may adjust the possession limit within a range of 0 to 15 Atlantic bluefish based on a recommendation of the Council and Commission. The Secretary will publish a notice of any proposed adjustment, together with the basis for such adjustment in the FEDERAL REGISTER. The public may comment on the adjustment for 15 days after the date of the publication. After consideration of public comments, the Secretary may publish a notice of any adjustment in the possession limit in the FEDERAL REGISTER.

§ 628.22 Catch monitoring, commercial controls, and gear restrictions.

(a) The Committee will review bluefish catch statistics, a projection of the commercial share for the next fishing year, and the most recent stock assessment prior to August 15th of each year. The Committee will report to the Council and the Commission.

(b) The Council and the Commission will review the report of the Committee. If the report indicates that the commercial catch for the next fishing year will equal or exceed 20 percent of the total catch (recreational catch plus commercial landings) of Atlantic bluefish, the Council and Commission will propose the commercial controls to be implemented at the start of the upcoming year. If the report indicates that the commercial catch will be greater than 17 percent but less than 20 percent of the total catch of Atlantic bluefish, or that the commercial share for the last full year is 50 percent greater than the previous year's commercial share, the Council and Commission will determine whether commercial controls are necessary. In making such a determination the Council and Commission will consider:

(1) The most recent catch data;

(2) Trends in the fishery; and

(3) Any other relevant factors.

(c) If the catch in the commercial fishery is projected to equal or exceed the 20 percent limit during the upcoming year, then a State allocation system will be implemented. This will entail the use of landings data from the most recent 10-year period for each State, to determine the average percentage of each State's coastwide commercial landings. These percentages will be used to determine the amount of the coastwide quota allocated to each State. Quotas will apply to landings in each State, regardless of where the bluefish were caught.

(d) If whole Atlantic bluefish are processed into fillets at sea, then fillet weight will be converted to whole weight at the State of landing by multiplying fillet weight by 2.5. If whole Atlantic bluefish are headed and gutted at sea, then the conversion is accomplished by multiplying headed/gutted weight by 1.5.

(e) If the Council concludes that the increase in the commercial catch is attributable to the use of purse seines, pair trawls, or encircling (runaround) gillnets, then it will propose restrictions applicable to that gear type. In determining what restrictions are necessary to control the catch of Atlantic bluefish by commercial fishermen using these gear, the Council may consider:

(1) Trip limits;

(2) Area closures;

(3) Banning the use of these gear types; or

(4) Any other measures it deems appropriate.

(f) The Regional Director will review any gear restriction(s) proposed by the Council. If the Regional Director concurs that the proposed gear restrictions are consistent with the goals and objectives of the FMP, the national standards, and other applicable law, the Regional Director will recommend that the Secretary publish a notice of the proposed restriction in the FEDERAL REGISTER with a 30-day public comment period. After consideration of public comments, the Secretary may publish a notice in the FEDERAL REGISTER specifying the final restriction(s).

(g) The Secretary may rescind a notice of restriction in the FEDERAL REGISTER if he finds, based on the advice of the Council through the process set forth in paragraphs (a) and (b) of this section, that the restriction is no longer necessary.

§ 628.23 Closure of fishery.

The Regional Director shall close the commercial fishery for Atlantic bluefish in the EEZ if the commercial fisheries for Atlantic bluefish have been closed in all Atlantic coast States.

PART 630—ATLANTIC SWORDFISH FISHERY

Subpart A—General Provisions

Sec.
630.1 Purpose and scope.
630.2 Definitions.
630.3 Relation to other laws.
630.4 Vessel permits.
630.5 Recordkeeping and reporting.
630.6 Vessel identification.
630.7 Prohibitions.
630.8 Facilitation of enforcement.
630.9 Penalties.

Subpart B—Management Measures

630.20 Fishing year.
630.21 [Reserved]
630.22 Harvest limitations.
630.23 [Reserved]
630.24 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 50 FR 33956, Aug. 22, 1985, unle otherwise noted.

Subpart A—General Provisions

§ 630.1 Purpose and scope.

(a) The purpose of this part is to in plement the Fishery Managemen Plan for the Atlantic Swordfish Fis ery prepared by the South Atlanti New England, Mid-Atlantic, Gulf Mexico, and Caribbean Fishery Ma agement Councils under the Magn son Act.

(b) This part governs conservatio and management of swordfish shor ward of the outer boundary of th EEZ in the Atlantic Ocean (includin the Gulf of Mexico and the Caribbe Sea).

(c) Regulations governing fishing vessels other than vessels of th United States are published at 50 CF part 611, subpart A and §§ 611.60 an 611.61.

[50 FR 33956, Aug. 22, 1985, as amended 53 FR 24660, June 29, 1988; 55 FR 356 Aug. 31, 1990]

§ 630.2 Definitions.

In addition to the definitions in th Magnuson Act and in § 620.2 of th chapter, the terms used in this part have the following meanings:

Carcass or *dressed* means a fish that has been gutted and the head and fins have been removed.

Commercial fisherman means a person who sells, trades, or barters any part of his or her catch of fish.

Councils means the following Regional Fishery Management Councils:

(a) South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699, telephone, 803-571-4366;

(b) New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906;

(c) Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, DE 19901;

(d) Caribbean Fishery Management Council, Suite 1108 Banco de Ponce Building, Hato Rey, PR 00918; and

(e) Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609.

Dealer means the person in the United States who first receives, by way of purchase, barter, or trade, swordfish harvested from the Atlantic Ocean.

Gangion means one of the lines that bear hooks and which is attached at intervals along the main line of a longline. (Synonymous with leader.)

Handline gear means a fishing line set and pulled by hand that remains attached to a fishing vessel during fishing.

High flyer means a vertical pole that projects above the water attached to a longline that serves to mark its location.

Pelagic longline means a type of fishing gear consisting of a length of line suspended horizontally in the water above the bottom from lines attached to surface floats and to which gangions and hooks are attached.

Regional Director means the Director, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone, 813-893-3141, or a designee.

Rod and reel means a hand-held (including rod-holder) fishing rod with a manually or electrically operated reel attached.

Science and Research Director means the Science and Research Director, Southeast Fisheries Science Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee; except that for a dealer whose principal place of business is in an Atlantic coastal state from Maine through Virginia, *Science and Research Director* means the Science and Research Director, Northeast Fisheries Science Center, NMFS, Woods Hole, MA 02543, telephone 617-548-5123, or a designee.

Swordfish means a fish of the species *Xiphias gladius.*

Western North Atlantic swordfish stock means those swordfish in Food and Agricultural Organization statistical reporting areas 21 and 31. This area is bounded on the west by the North, Central, and South American land masses and on the east by a line running from the eastern coast of South America at 5°00′ N. latitude east to 40°00′ W. longitude, north to 36°00′ N. latitude, west to 42°00′ W. longitude, north to 59°00′ N. latitude, west to 44°00′ W. longitude, and north to Greenland.

Whole, when referring to swordfish, means a fish that is not gutted and the head and fins are intact.

[50 FR 33956, Aug. 22, 1985; 50 FR 35563, Sept. 3, 1985, as amended at 53 FR 24655, June 29, 1988; 53 FR 27694, July 22, 1988; 55 FR 35645, Aug. 31, 1990]

§ 630.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

[53 FR 24655, June 29, 1988]

§ 630.4 Vessel permits.

(a) *Applicability.* (1) The owner of a vessel of the United States with pelagic longline gear aboard—

(i) That fishes for or possesses swordfish shoreward of the outer boundary of the EEZ, or

(ii) That takes swordfish as bycatch shoreward of the outer boundary of the EEZ, whether or not retained—must obtain an annual vessel permit.

(2) The owner of any other vessel of the United States that fishes for swordfish or possesses swordfish for sale, trade, or barter shoreward of the outer boundary of the EEZ must obtain an annual vessel permit.

(3) The owner of a vessel fishing shoreward of the outer boundary of the EEZ—

(i) With only rod and reel gear aboard, or

(ii) Around Puerto Rico and the Virgin Islands with only handline gear aboard—is exempt from the requirement to obtain a permit.

(b) *Application.* (1) An application for a fishing vessel permit under this section must be signed by the owner and submitted to the Regional Director. An application form is available from the Regional Director and must contain the following information:

(i) Vessel owner's name, mailing address, and telephone number;

(ii) If the vessel owner is a corporation, the officers' and directors' names and mailing addresses;

(iii) Vessel's name, official number, home port, net tonnage, length, and type and amount of gear used; and

(iv) Any other information that may be necessary for the issuance or administration of the permit.

(2) The application must be accompanied by a copy of the vessel's U.S. Coast Guard certificate of documentation or state registration certificate.

(c) *Issuance.* The Regional Director will issue a permit within 30 days of receipt of the information required in paragraph (b) of this section. An applicant will be promptly notified of any deficiency in the required information. If an applicant fails to correct a deficiency within 30 days of notification, the application will be considered abandoned.

(d) *Duration.* A permit is valid for the fishing year (calendar year) for which it is issued or that portion of the fishing year remaining after it is issued, unless revoked, suspended, or modified under subpart D of 15 CFR part 904.

(e) *Alteration.* Any permit which has been altered, erased, or mutilated is invalid.

(f) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(g) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the vessel and vessel owner for which it is issued.

(h) *Display.* Any permit issued under this part must be carried aboard the fishing vessel at all times. The permit must be prominently displayed in the pilot house or offered for inspection upon request of any authorized officer.

(i) *Sanctions.* Subpart D of 15 CFR part 904 governs the imposition of sanctions against a permit issued under this part.

(j) *Fees.* No fee is required for any permit under this part.

(k) *Change in application information.* Any change in the application information specified in paragraph (b) of this section must be reported to the Regional Director within 15 days of the change. If the vessel changes ownership, the new owner must apply for a permit. The vessel may not fish for swordfish until the new permit is on board the vessel.

[50 FR 33957, Aug. 22, 1985, as amended at 55 FR 35646, Aug. 31, 1990]

§ 630.5 Recordkeeping and reporting.

(a) *Fishing vessel reports.* An owner or operator of a vessel for which a permit has been issued under § 630.4 and that is selected by the Science and Research Director must ensure that a daily fishing record is maintained on forms available from the Science and Research Director. The forms for each month must be submitted to the Science and Research Director so as to be received not later than the twenty-fifth day of the following month. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the forms. If fishing occurred, the following information must be included on the forms:

(1) Date of set;

(2) Vessel name and official number;

(3) Federal permit number;

(4) Set location (latitude and longitude);

(5) Miles of gear per set;

(6) Number of hooks per set;

(7) Number of hooks between floats;

(8) Number of lights or lightsticks per set;

(9) Length of gangions (leader) used;

(10) Length of drop lines from floats;

(11) Sea surface temperature;

(12) Number of fish retained (for each species listed on the form);

(13) Number of fish discarded (for each species listed on the form); and

(14) Signature of captain.

(b) *Dealer reports.* (1) A dealer who receives swordfish harvested from the Atlantic Ocean by a vessel of the United States must report to the Science and Research Director each receipt of such swordfish. The reports for each month must be submitted to the Science and Research Director so as to be received not later than the fourteenth day of the following month. A report form is available from the Science and Research Director.

(i) The following information must be included in each report:

(A) Name and address of the dealer;

(B) Date of receipt of swordfish;

(C) Name and official number of the vessel from which the swordfish was received;

(D) Date, port, and State (country, if not landed in a State) of landing of the vessel;

(E) Total carcass weight (pounds) by market category for swordfish, and by species for yellowfin tuna, bigeye tuna, albacore, and other species received with the swordfish;

(F) Price per pound (or total value) paid by market category for swordfish, and by species for yellowfin tuna, bigeye tuna, albacore, and other species; and

(G) Individual carcass weight (pounds) of each swordfish received.

(ii) In addition to the information required to be reported by paragraph (b)(1)(i) of this section, individual carcass weight (pounds) of each yellowfin tuna, bigeye tuna, albacore, and other species received with the swordfish is requested but is not mandatory.

(2) The reporting requirement of paragraph (b)(1)(i) of this section may be satisfied by providing a copy of each appropriate weigh-out sheet and/or sales record, provided such weigh-out sheet and/or sales record, by itself or combined with the form available from the Science and Research Director, includes all of the required information.

(3) In lieu of providing a required report to the Science and Research Director by mail, as specified in paragraph (b)(1) of this section, a dealer may provide a report to a State or Federal fishery port agent designated by the Science and Research Director. Reports so provided must be delivered to such port agent not later than the tenth day of the month following the dealer's receipt of the swordfish.

[50 FR 33956, Aug. 22, 1985, as amended at 51 FR 16530, May 5, 1986; 51 FR 20300, June 4, 1986; 53 FR 24656, June 29, 1988; 55 FR 35646, Aug. 31, 1990]

§ 630.6 Vessel identification.

(a) *Official number.* A vessel for which a permit is required by § 630.4 must display its official number—

(1) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches in height for vessels over 65 feet in length and at least 10 inches in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must—

(1) Keep the official number clearly legible and in good repair, and

(2) Ensure that no part of the fishing vessel, its rigging, its fishing gear, or anything carried aboard obstructs the view of the official number from any enforcement vessel or aircraft.

[50 FR 33956, Aug. 22, 1985, as amended at 53 FR 27694, July 22, 1988]

§ 630.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for, possess, retain, or land swordfish without a valid permit required under § 630.4 aboard the vessel.

(b) Purchase, sell, barter, or trade any swordfish taken by a vessel that does not have a valid permit required under § 630.4.

(c) Falsify or fail to report information required to be submitted or reported as specified in § 630.5.

(d) Falsify or fail to affix and maintain vessel markings as required by § 630.6.

(e) Land swordfish harvested in the commercial fishery except as specified under § 630.22.

(f) Fail to display a permit, as required by § 630.4.

(g) Fail to report information required to be submitted or reported, as specified in § 630.4.

(h) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part.

[50 FR 33956, Aug. 22, 1985, as amended at 53 FR 24656, June 29, 1988; 53 FR 27694, July 22, 1988]

§ 630.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 630.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 630.20 Fishing year.

The fishing year is January 1 through December 31.

§ 630.21 [Reserved]

§ 630.22 Harvest limitations.

Swordfish harvested from the Western North Atlantic swordfish stocks in the commercial fishery must be landed in whole or dressed form.

§ 630.23 [Reserved]

§ 630.24 Specifically authorized activities.

The Secretary may authorize for the acquisition of information and data, activities which are otherwise prohibited by these regulations.

PART 638—CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

Subpart A—General Provisions

Sec.
638.1 Purpose and scope.
638.2 Definitions.
638.3 Relation to other laws.
638.4 Permits and fees.
638.5 Prohibitions.
638.6 Facilitation of enforcement.
638.7 Recordkeeping and reporting.
638.8 Penalties.

Subpart B—Management Measures

638.20 Seasons.
638.21 Harvest limitations.
638.22 Area, time limitations.
638.23 Gear limitations.
638.24 Specifically authorized activities.

Authority: 16 U.S.C. 1801 *et seq.*

Source: 49 FR 29608, July 23, 1984, unless otherwise noted.

Subpart A—General Provisions

§ 638.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic (FMP) developed by the Gulf of Mexico and South Atlantic Fishery Management Councils under the Magnuson Act.

(b) This part regulates fishing for coral and coral reefs by fishing vessels of the United States within the EEZ off the South Atlantic coastal States south of the Virginia-North Carolina border and in the Gulf of Mexico.

[49 FR 29608, July 23, 1984, as amended at 53 FR 24660, June 29, 1988]

§ 638.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Coral area means marine habitat where coral growth abounds including patch reefs, outer bank reefs, deepwater banks, and hard bottoms.

HAPC means coral habitat areas of particular concern.

Management area means that area of the EEZ off the South Atlantic coastal States south of the Virginia-North Carolina border and in the Gulf of Mexico.

Prohibited coral means (a) species of coral belonging to the Class Hydrozoa (fire corals and hydrocorals) and Class Anthozoa, Subclass Zooantharia (stony corals and black corals), and Subclass Octocorallaria (the seafans *Gorgonia flabellum* or *G. ventalina*), and (b) all coral and coral reefs in the HAPC's.

Regional Director means the Director, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813-893-3141; or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Scientific and educational purpose means for the purpose of gaining knowledge of coral for management and/or for the benefit of science and humanity.

Take means to attempt to or damage, harm, kill, or collect.

[49 FR 29608, July 23, 1984, as amended at 53 FR 24655, 24660, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 638.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) These regulations do not apply within the EEZ portion of the following National Marine Sanctuaries and National Parks:

(1) Everglades National Park (36 CFR 7.45);

(2) Looe Key National Marine Sanctuary (15 CFR part 937);

(3) Fort Jefferson National Monument (36 CFR 7.27);

(4) Key Largo Coral Reef National Marine Sanctuary (15 CFR part 929);

(5) Biscayne National Park (16 U.S.C. 410gg);

(6) Gray's Reef National Marine Sanctuary (15 CFR part 938); and

(7) Monitor Marine Sanctuary (15 CFR part 924).

[49 FR 29608, July 23, 1984, as amended at 53 FR 24655, 24660, June 29, 1988]

§ 638.4 Permits and fees.

(a) *General.* Permits are required for persons—

(1) Fishing for prohibited coral; or

(2) Using toxic chemicals to collect fish or other marine organisms in coral areas. A Florida permit is acceptable in lieu of a Federal permit for use of toxic chemicals.

(b) *Eligibility.* Fishing for prohibited coral must be for a scientific or educational purpose.

(c) *Fees.* There are no fees for Federal permits.

(d) *Application for a prohibited coral permit.* An application for a permit to fish for prohibited coral must be signed and submitted by the applicant on an appropriate form which may be obtained from the Regional Director. Applicants must provide the following information:

(1) Name, address, and telephone nmber of applicant;

(2) Name and address of harvester, company, institution, or affiliation;

(3) Amount of coral to be fished for by species;

(4) Size of each species;

(5) Projected use of each species;

(6) Collection techniques (vessel types, gear, number of trips);

(7) Period of fishing; and

(8) Location of fishing.

(e) *Application for toxic chemical permit.* An application for a Federal permit to collect fish or other organisms with toxic chemicals in coral areas must be signed and submitted by the applicant on an appropriate form which may be obtained from the Regional Director. Applicants must provide the following information:

(1) Name, address, and telephone number of applicant;

(2) Name and address of harvester, if other than applicant;

(3) Type of chemical;

(4) Period of fishing; and

(5) Location of fishing.

(f) *Permit conditions.* (1) Permits may not be transferred or assigned;

(2) Permits must be in the possession of the permittee while fishing for prohibited corals or using toxic chemicals;

(3) Permits must be presented for inspection upon request of any authorized officer;

(4) Permittee must have in possession sufficient documentation to establish identity as permittee (e.g., valid driver's license, etc.); and

(5) Other specific conditions as may be listed on the permits.

(g) Unless otherwise specified, application must be submitted to the Regional Director 45 days prior to the date on which the applicant desires to have the permit effective and permits will be issued for the period October 1 through the following September.

[49 FR 29608, July 23, 1984, as amended at 52 FR 36781, Oct. 1, 1987; 53 FR 24656, June 29, 1988]

§ 638.5 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fail to submit a report within 30 days following the effective period for a permit as specified in § 638.7.

(b) Take or collect fish or other marine organisms with toxic chemicals in coral areas except with a permit as specified in § 638.4.

(c) Fish for prohibited coral except as specified in § 638.4 and § 638.2.

(d) Use bottom longlines, traps, pots, bottom trawls, or dredges in an HAPC as specified in § 638.22.

[49 FR 29608, July 23, 1984, as amended at 53 FR 24656, June 29, 1988]

§ 638.6 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 638.7 Recordkeeping and reporting.

Any person holding a permit to take prohibited corals for scientific or educational purposes must submit an annual report of his or her harvest to the Science and Research Director within 30 days following the effective period for the permit. Specific reporting requirements will be provided with the issued permit.

[53 FR 24656, June 29, 1988, as amended at 53 FR 38294, Sept. 30, 1988]

§ 638.8 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988. Redesign
at 53 FR 24656, June 29, 1988]

Subpart B—Management Measu

§ 638.20 Seasons.

The fishing year for all specie
coral and coral resources begins
0001 hours on October 1 and end
2400 hours on September 30.

§ 638.21 Harvest limitations.

(a) No person may fish for prohi
ed coral or fish with toxic chemical
any coral area unless such person
in possession a valid permit
under § 638.4.

(b) Prohibited coral taken as i
dental catch to other fishing activit
must be returned to the water in
general area of fishing as soon as
sible. In those fisheries, such as
lops and groundfish, where the en
catch is landed, unsorted prohibit
coral may be landed but not sold
traded.

§ 638.22 Area, time limitations.

The following coral HAPCs are
tablished.

(a) *West and East Flower Gard*
Banks: The geographical center po
of the West Flower Garden Bank (F
ures 1A and 1B) is located
27°52′14.21″N. latitude, 93°48′54.79″
longitude. The geographical cent
point of the East Flower Garden Ba
(Figures 1A and 1B) is located
27°55′07.44″N. latitude, 93°36′08.49″
longitude. The HAPC is limited to th
portions of each bank shallower th
the 50 fathom (300 foot) isobath. Th
following restrictions apply within th
West and East Flower Garden Ba
HAPC:

(1) Fishing for coral is prohibite
except as authorized by a perm
issued under § 638.4, and

(2) Fishing with bottom longline
traps, pots, and bottom trawls is pr
hibited.

(b) *Florida Middle Grounds.* (1) Th
area (Figure 2) is bounded by straigh
lines connecting the following points.

POINT

A—28°42.5′N. latitude, 84°24.8′W. longitude
B—28°42.5′N. latitude, 84°16.3′W. longitude
C—28°11.0′N. latitude, 84°0.0′W. longitude
D—28°11.0′N. latitude, 84°7.0′W. longitude
E—28°26.6′N. latitude, 84°24.8′W. longitude
A—28°42.5′N. latitude, 84°24.8′W. longitude

(2) The following restrictions apply within the Florida Middle Grounds HAPC:

(i) Fishing for coral is prohibited except as authorized by a permit issued under § 638.4, and

(ii) Bottom longlines, traps, pots, and bottom trawls may not be fished within the area.

(c) The *Oculina* Bank:

(1) The area (Figure 3) is located approximately 15 nautical miles east of Fort Pierce, Florida, at its nearest point to shore. The area is bounded on the north by 27°53′N. latitude; on the south by 27°30′N. latitude; on the east by 79°56′W. longitude; and on the west by 80°0′W. longitude.

(2) Within the *Oculina* Bank HAPC fishing with bottom longlines, traps, pots dredges, and bottom trawls is prohibited.

[49 FR 29608, July 23, 1984; 49 FR 31427, Aug. 7, 1984, as amended at 52 FR 36781, Oct. 1, 1987]

§ 638.23 Gear limitations.

Toxic chemicals may not be used in taking fish or other marine organisms in or on coral reef areas except as may be specified by a permit issued under § 638.4.

§ 638.24 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

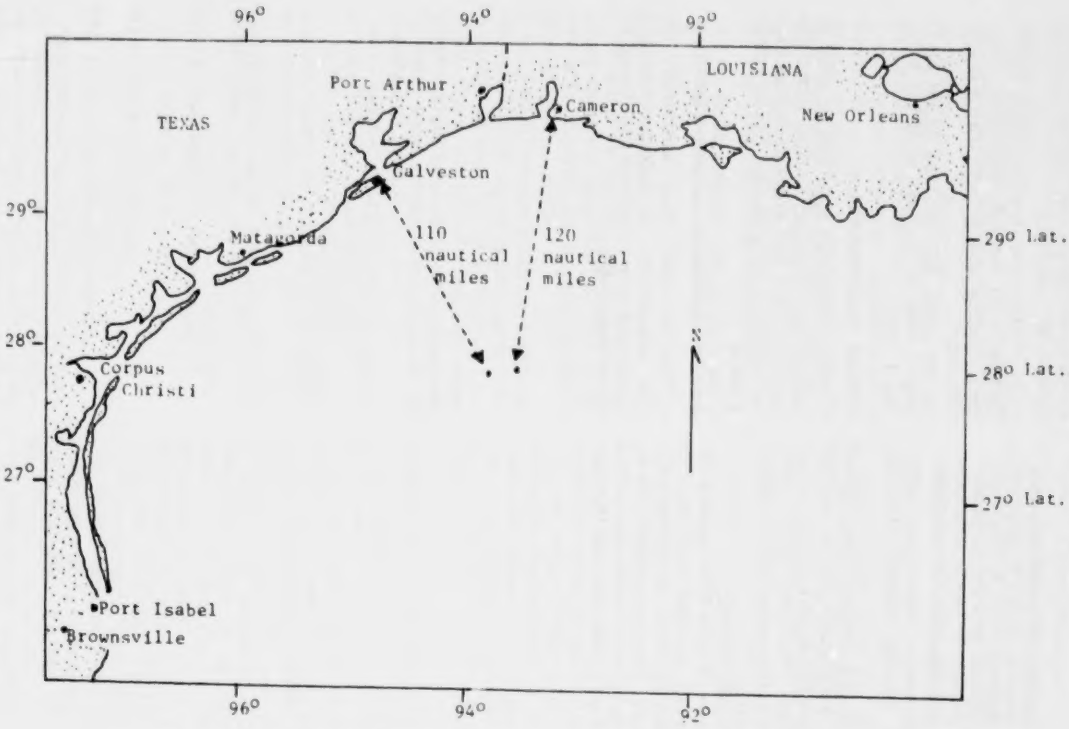

96°
94°
92°
29°
28°
27°
29° Lat.
28° Lat.
27° Lat.
LOUISIANA
TEXAS
New Orleans
Cameron
Port Arthur
Galveston
Matagorda
Corpus Christi
Port Isabel
Brownsville
110 nautical miles
120 nautical miles
N

Figure 1A EAST AND WEST FLOWER GARDENS HABITAT AREAS OF PARTICULAR CONCERN

(Map for illustrative purposes only NOT TO SCALE)

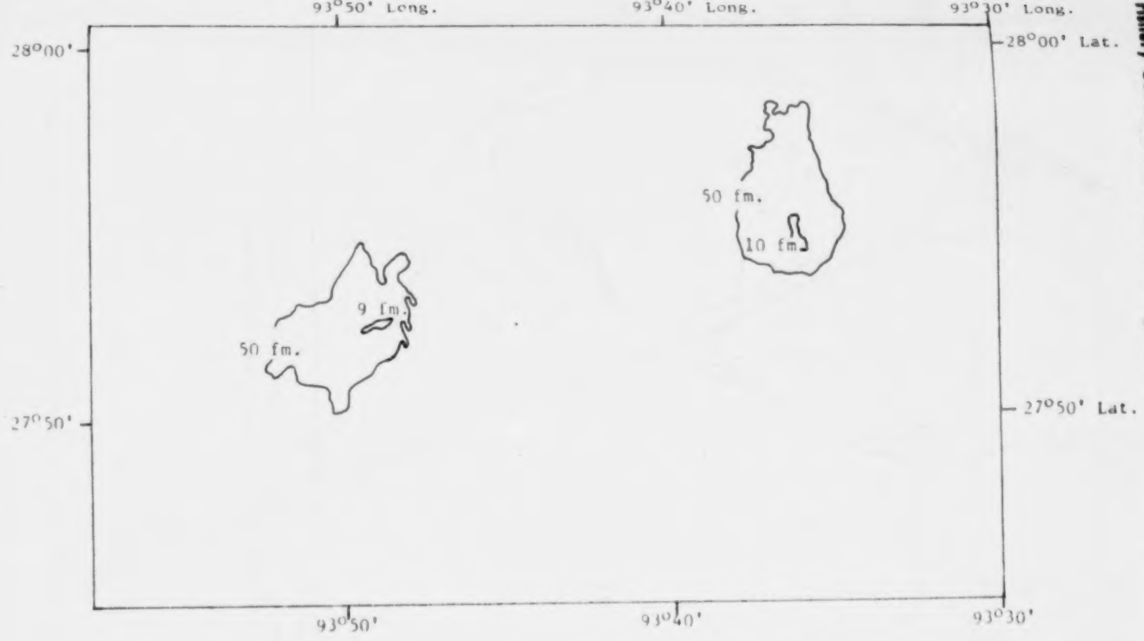

93°50' Long.
93°40' Long.
93°30' Long.
28°00' Lat.
27°50' Lat.
28°00'
27°50'
50 fm.
10 fm.
9 fm.
50 fm.
93°50'
93°40'
93°30'

Figure 1B EAST AND WEST FLOWER GARDENS HABITAT AREAS OF PARTICULAR CONCERN

(Map for illustrative purposes only NOT TO SCALE)

best copy available

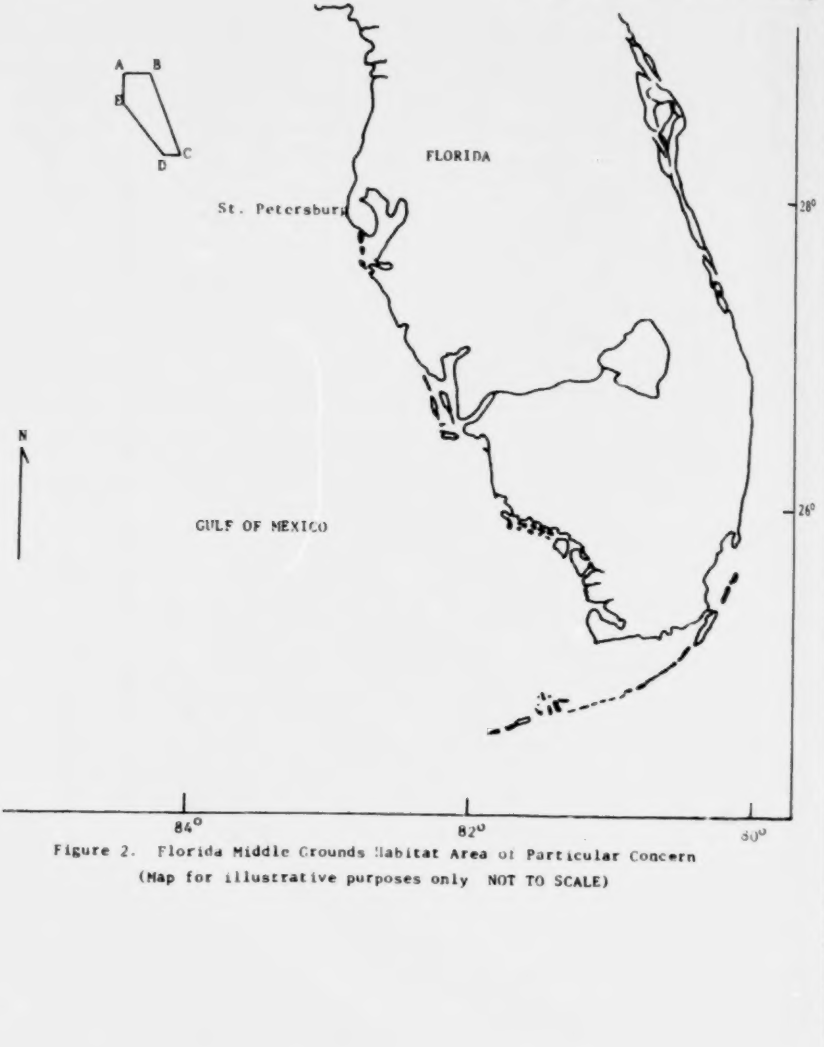
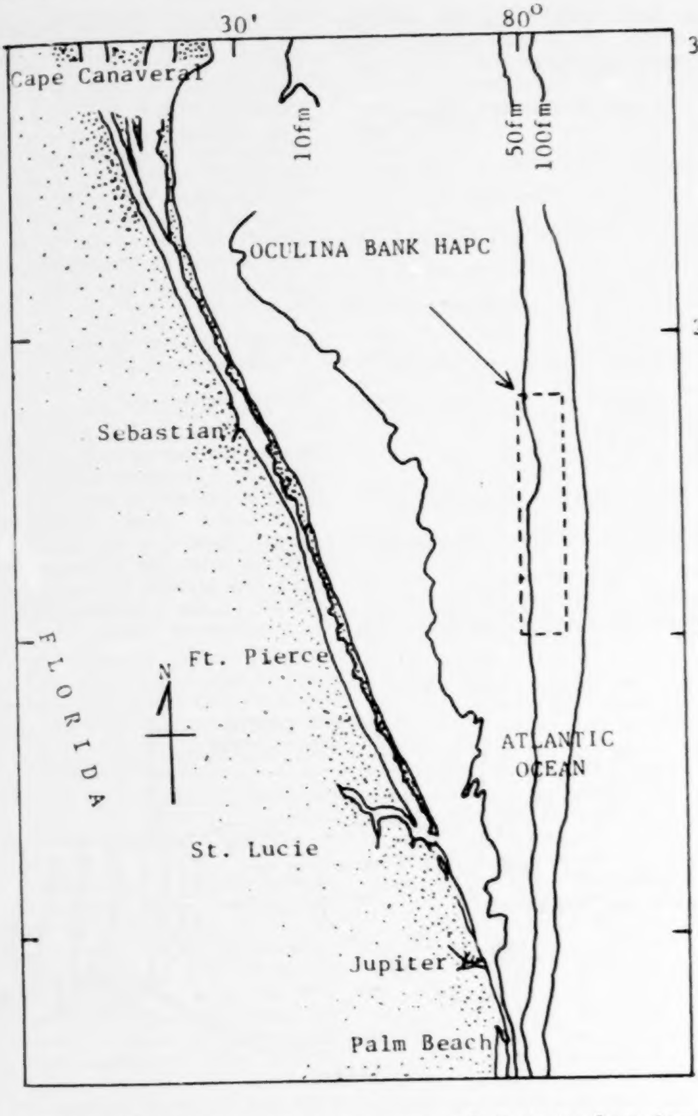

A
B
E
C
D
FLORIDA
St. Petersburg
N
GULF OF MEXICO
28°
26°
84°
82°
80°

Figure 2. Florida Middle Grounds Habitat Area of Particular Concern
(Map for illustrative purposes only NOT TO SCALE)


30'
80°
30'
Cape Canaveral
10fm
50fm
100fm
OCULINA BANK HAPC
28°
Sebastian
30'
Ft. Pierce
FLORIDA
N
ATLANTIC
OCEAN
St. Lucie
27°
Jupiter
Palm Beach

igure 3. Oculina Bank Habitat Area of Particular Concern

(Map for illustrative purposes only NOT TO SCALE)

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Subpart A—General Provisions

Sec.
640.1 Purpose and scope.
640.2 Definitions.
640.3 Relation to other laws.
640.4 Permits.
640.5 Recordkeeping and reporting. [Reserved]
640.6 Gear and vessel identification.
640.7 Prohibitions.
640.8 Facilitation of enforcement.
640.9 Penalties.

Subpart B—Management Measures

640.20 Seasons.
640.21 Harvest limitations.
640.22 Size limitations.
640.23 Gear limitations.
640.24 Authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 640.1 Purpose and scope.

The purpose of this part is to implement the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Alantic developed by the South Atlantic and Gulf of Mexico Fishery Management Councils under the Magnuson Act. The regulations in this part govern fishing for spiny lobster and slipper (Spanish) lobster by vessels of the United States within the EEZ in the Atlantic Ocean and Gulf of Mexico along the coast of the South Atlantic States from the Virginia/North Carolina border south and through the Gulf of Mexico.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987]

§ 640.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Carapace length means a head-length measurement taken from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax (Figure 1).

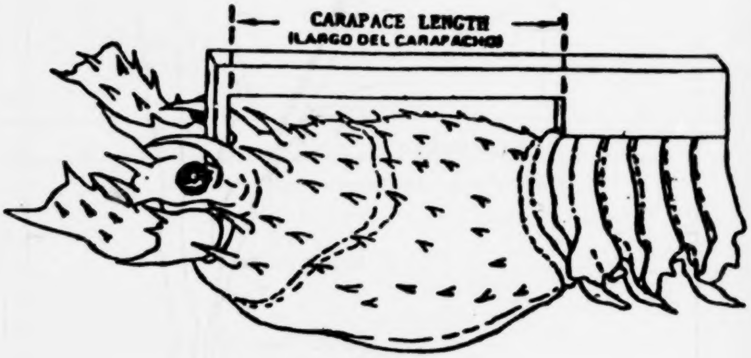


Figure 1

Commercial fishing means any fishing or fishing activities which result in the harvest of any marine or freshwater organisms, one or more of which (or parts thereof) is sold, traded, or bartered.

Degradable panel means a panel constructed of wood, cotton, or other material that will degrade at the same rate as a wooden trap.

Live well means a shaded container used for holding live lobsters aboard a vessel in which aerated seawater is continuously circulated from the sea. Circulation of seawater at a rate that replaces the water at least every 8 minutes meets the requirement for aeration.

Management area means that area of the EEZ adjacent to the territorial sea off the coasts of the States adjacent to the Gulf of Mexico and off the Atlantic Coast south of the Virginia-North Carolina border.

Recreational fishing means fishing or fishing activities which result in the harvest of fish, none of which (or parts thereof) is sold, traded, or bartered.

Regional Director means the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813-893-3141, or his designee.

Slipper (Spanish) lobster means the species *Scyllarides nodifer*.

Spiny lobster means the species *Panulirus argus*.

Tail length means the measurement, with the tail in a straight, flat position, from the anterior end of the exoskeleton ("shell") of the first abdominal (tail) segment to the tip of the closed tail.

Trip means a fishing trip, regardless of number of days' duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 17196, May 16, 1988; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988; 55 FR 26448, June 28, 1990]

§ 640.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) The regulations in this part apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and South Atlantic EEZ.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 24655, June 29, 1988]

§ 640.4 Permits.

(a) *Applicability.* (1) To sell a spiny lobster in or from the EEZ, or to be exempt from the daily catch and possession limit of spiny lobster in or from the EEZ specified in § 640.21(c)(1)(i), an owner or operator of a vessel must obtain a seasonal vessel permit.

(2) To possess a separated spiny lobster tail in or from the EEZ aboard a vessel, the owner or operator of that vessel must obtain a tail-separation permit. A tail-separation permit will not be issued to an owner or operator who does not qualify for a seasonal vessel permit.

(3) An owner or operator of a vessel that has legally harvested spiny lobsters in the waters of a foreign nation and possesses spiny lobsters or separated tails in the EEZ incidental to such foreign harvesting is exempt from the permit requirements of paragraphs (a) (1) and (2) of this section provided a proper bill of lading or other proof of lawful harvest in the waters of a foreign nation accompanies such lobsters or tails.

(b) *Application for permit.* (1) An application for a seasonal vessel or tail-separation permit must be submitted and signed by the owner or operator of the vessel. The application must be submitted to the Regional Director at least 60 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or state registration certificate;

(ii) The vessel's name, official number, length, home port, and engine horsepower.

(iii) Name, mailing address including zip code, telephone number, and Florida saltwater products license number, if applicable, of the owner of the vessel;

(iv) Name, mailing address including zip codes, telephone number, and Florida saltwater products license number, if applicable, of the applicant, if other than the owner;

(v) Social security number and date of birth of the applicant and the owner;

(vi) Approximate live well capacity in gallons;

(vii) Any other information concerning vessel and gear characteristics requested by the Regional Director;

(viii) A sworn statement by the applicant certifying that at least 10 percent of his or her earned income was derived from commercial fishing during the calendar year preceding the application;

(ix) Proof of certification, as required by paragraph (b)(3) of this section; and

(x) If a tail-separation permit is desired, a sworn statement by the applicant certifying that his fishing activity—

(A) Is routinely conducted in the EEZ on trips of 48 hours or more; and

(B) Necessitates the separation of carapace and tail to maintain a quality product.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(viii) of this section before a permit is issued or to substantiate why such a permit should not be denied, revoked, or otherwise sanctioned under paragraph (g) of this section.

(4) Any change in the information specified in paragraph (b)(2) of this section must be submitted in writing to the Regional Director by the permit holder within 30 days of any such change. The permit is void if any change in the information is not reported.

(c) *Issuacnce.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit at any time during the fishing year to the applicant.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency wthin 30 days of the Regional Director's notification, the application will be considered abandoned.

(d) *Duration.* A permit remains valid for the remainder of the season for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(e) *Transfer.* A permit issued under this section is not transferable or assignable. A person purchasing a vessel with a seasonal vessel permit must apply for a new permit in accordance with the provisions of paragraph (b) of this section. The application must be accompanied by a copy of an executed (signed) bill of sale.

(f) *Display.* A permit issued under this section must be carried on board the permitted vessel at all times and such vessel must be identified as provided for in § 640.6. The operator of a fishing vessel must present the permit for inspection upon request of an authorized officer.

(g) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(h) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(i) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application.

[55 FR 26449, June 28, 1990]

§ 640.5 Recordkeeping and reporting. [Reserved]

§ 640.6 Gear and vessel identification.

(a) Traps, buoys, and all vessels and boats engaged in the spiny lobster trap fishery must be identified by the number and color code issued by the Regional Director, or through Florida's identification system.

(b) An application for a Federal number and color code must be submitted and signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director. The application must be sumbitted to the Regional Director 45 days prior to the date on which the applicant desires receipt of the number and color code.

(c) Vessels and boats engaged in the spiny lobster trap fishery must permanently and conspicuously display such color code and number in a manner as to be readily identifiable from the air and water; such color representation must be in the form of a circle at least 20 inches in diameter and the identification number must be at least 10 inches high.

(d) Each trap, unless part of a string of traps, must be marked by a floating buoy or a buoy designed to be submerged and automatically released at a certain time. Each string of traps must be marked with a buoy at each end of the string.

(e) Buoys must be of such color as to be easily distinguished, seen, and located; the identification number must be legible and at least 3 inches high on each buoy.

(f) Each trap, can, drum, or similar device must have a legible identification number at least 3 inches high permanently attached as in the case of buoys.

(g) All spiny lobster traps fished in the EEZ will be presumed to be the property of the most recently documented owner.

(h) Upon the sale or transfer of all or part of an owner's interest in spiny lobster traps which are fished in the EEZ, that owner must report the sale or transfer within 15 days to the Regional Director if the identification number and color code for those traps were issued by the Regional Director.

(i) An unmarked spiny lobster trap or buoy in the EEZ is illegal gear. Such trap, buoy, and connecting line may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. An owner of such a trap or buoy remains subject to appropriate civil penalties.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987]

§ 640.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for spiny lobster without a vessel number, or falsify or fail to affix and maintain vessel and gear markings, as required by § 640.6.

(b) Place traps in the water or harvest spiny lobsters from traps before or after the dates specified in § 640.20(a).

(c) Harvest a spiny lobster with a trap except during the season specified in § 640.20(a)(1).

(d) Possess spiny lobster or any parts thereof in the EEZ, except as specified in § 640.20.

(e) Retain on board or possess on land a berried spiny or slipper lobster taken in the EEZ.

(f) Strip eggs from or otherwise molest a berried spiny or slipper lobster, as specified in § 640.21(a).

(g) Pull or tend traps except during the hours specified in § 640.21(b).

(h) Willfully tend, open, pull, or otherwise molest another person's traps, except as provided in § 640.21(b).

(i) Exceed the recreational daily catch and possession limit, as specified in § 640.21(c)(1).

(j) Retain a spiny lobster smaller than the minimum size, except as specified in § 640.22; or purchase, barter, trade, or sell a spiny lobster smaller than the minimum size, as specified in § 640.22(a) (1) or (2).

(k) Use traps without degradable panels, or prohibited gear or methods, as specified in § 640.23.

(l) Fail to return immediately to the water unharmed a berried (egg-bearing) spiny or slipper lobster, as specified in § 640.21(a).

(m) Operate a vessel that fishes for spiny lobster in the EEZ with spiny lobster aboard in excess of the cumulative recreational catch limit, as specified in § 640.21(c)(3).

(n) Transfer at sea in the EEZ spiny lobster caught under the recreational catch limit specified in § 640.21(c) from a fishing vessel to any other vessel or to so transfer at sea any such spiny lobster taken from the EEZ.

(o) Fail to have on board or present for inspection an extension authorization, as required under § 640.20(a)(3).

(p) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part.

(q) Purchase, barter, trade, or sell a spiny lobster taken in the EEZ by a vessel that does not have a seasonal vessel permit, as specified in § 640.4(a)(1).

(r) Purchase, barter, trade, or sell a separated spiny lobster tail taken in the EEZ by a vessel that does not have a tail-separation permit, as specified in § 640.4(a)(2).

(s) Falsify information specified in § 640.4(b)(2) on an application for a permit; or fail to report a change in such information, as specified in § 640.4(b)(4).

(t) Fail to display a permit, as specified in § 640.4(f).

(u) Possess a separated spiny lobster tail, except as specified in § 640.21(d).

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 17196, May 16, 1988; 53 FR 24656, June 29, 1988; 55 FR 26449, June 28, 1990]

§ 640.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 640.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 640.20 Seasons.

(a) *Fishing season.* (1) The commercial and recreational fishing season for spiny lobster begins on August 6, one hour before official sunrise, and ends on March 31, one hour after official sunset.

(2) Prior to the season, spiny lobster traps may be placed in the water one hour before official sunrise on August 1 (soak period).

(3) After the season, traps must be removed from the water by one hour after official sunset on April 5 (removal period) unless an extension to the removal period is granted by Florida in accordance with Chapter 46-24, Spiny Lobster (Crawfish) and Slipper Lobster, Rules of the Department of Natural Resources, Florida Marine Fisheries Commission, Florida Administrative Code. The extension authorization must be carried abroad the boat retrieving the traps and must be presented for inspection upon request of an authorized officer.

(4) Except as provided in paragraphs (a)(2) and (a)(3) of this section, no trap may be transported on the waters of the EEZ during the period from one hour after official sunset on March 31 to one hour before sunrise on August 6.

(5) A spiny lobster trap, buoy, or rope in the management area at times not authorized in this paragraph will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. An owner of such a trap remains subject to appropriate civil penalties.

(b) *Special non-trap recreational fishery.* There is a special non-trap recreational fishing season on the first full weekend preceding August 1 from 0001 hours, Saturday, until 2400 hours, Sunday.

(c) *Possession.* Spiny lobsters or any parts thereof may be possessed in the EEZ only during the seasons specified in paragraphs (a)(1) and (b) of this section, unless accompanied by a proper bill of landing or other proof indicating lawful harvest outside the EEZ. Holding a spiny lobster in a trap while in the water during the soak period or during the removal period, or an extension thereto, will not be deemed possession provided such spiny lobster is returned immediately to the water unharmed whenever a trap is removed from the water during these periods.

[53 FR 17196, May 16, 1988]

§ 640.21 Harvest limitations.

(a) *Berried lobsters.* A berried spiny lobster or slipper lobster must be returned immediately to the water unharmed. If found in a trap, a berried lobster may not be retained in the trap. A berried lobster may not be stripped of its eggs or otherwise molested.

(b) *Pulling traps.* (1) Traps may be pulled or tended only during the period beginning one hour before official sunrise and ending one hour after official sunset.

(2) Traps may be pulled or tended only by the owner's vessel, unless the

boat tending another person's trap has on board written consent of the trap owner.

(c) *Recreational catch.* (1) The daily catch and possession of spiny lobsters in or from the EEZ is limited to six per person:

(i) During the fishing season described at § 640.20(a), except for spiny lobsters possessed aboard a vessel with the seasonal vessel permit specified in § 640.4(a)(1); and

(ii) During the special non-trap recreational season described at § 640.20(b).

(2) A person who fishes for spiny lobster in the EEZ may not combine the recreational catch and possession limit of paragraph (c)(1) of this section with any bag or possession limit applicable to State waters.

(3) The operator of a vessel that fishes for spiny lobster in the EEZ is responsible for the cumulative recreational catch, based on the number of persons aboard, applicable to that vessel.

(4) A person who fishes for or possesses spiny lobsters under the recreational catch and possession limit specified in paragraph (c)(1) of this section may not transfer spiny lobsters at sea from a fishing vessel to any other vessel.

(d) *Tail separation.* The possession of a separated spiny lobster tail is authorized only—

(1) Aboard a vessel having on board the tail-separation permit specified in § 640.4(a)(2); and

(2) When the possession is incidental to fishing in the EEZ on a trip of 48 hours or more.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 17196, May 16, 1988; 55 FR 26449, June 28, 1990]

§ 640.22 Size limitations.

(a) *Length.* Except as provided in paragraph (b) of this section, a spiny lobster—

(1) With a carapace length of 3.0 inches (7.62 centimeters) or less; or

(2) Aboard a vessel authorized under § 640.21(d) to possess a separated spiny lobster tail, with a tail length less than 5.5 inches (13.97 centimeters)—must be returned immediately to the water unharmed.

(b) *Attractants.* A live lobster under the minimum size may be retained for use as an attractant in a trap provided it is held in a live well abroad the vessel. No more than 100 undersized lobsters may be carried on board for use as attractants. The live well must provide a minimum of 3/4 gallons of seawater per spiny lobster.

[47 FR 29203, July 2, 1982, as amended at 53 FR 17197, May 16, 1988; 55 FR 26450, June 28, 1990]

§ 640.23 Gear limitations.

(a) *Degradable panel.* Traps constructed of material other than wood must have a panel constructed of wood, cotton, or other degradable material located in the upper half of the sides or on top of the trap, that, when removed, will leave an opening in the trap no smaller than the diameter found at the throat or entrance of the trap.

(b) *Prohibited gear and methods.* (1) Spiny lobster may not be taken with spears, hooks, or similar devices, or gear containing such devices. In the EEZ, the possession of speared, pierced, or punctured lobsters is prima-facie evidence that prohibited gear was used to take such lobsters.

(2) Spiny lobsters may not be taken with poisons or explosives.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987]

§ 640.24 Authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[47 FR 29203, July 2, 1982]

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

Subpart A—General Provisions

Sec.
641.1 Purpose and scope.
641.2 Definitions.
641.3 Relation to other laws.
641.4 Permits.
641.5 Recordkeeping and reporting.
641.6 Vessel, structure, and gear identification.
641.7 Prohibitions.

Sec.
641.8 Facilitation of enforcement.
641.9 Penalties.

Subpart B—Management Measures

641.20 Fishing year.
641.21 Harvest limitations.
641.22 Gear restrictions.
641.23 Area limitations.
641.24 Bag and possession limits.
641.25 Commercial quotas.
641.26 Closures.
641.27 Exemptions for the groundfish trawl fishery.
641.28 Specifically authorized activities.
APPENDIX A TO PART 641—TABLES AND FIGURES

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 49 FR 39553, Oct. 9, 1984, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes to part 641, see 52 FR 5118, Feb. 19, 1987.

Subpart A—General Provisions

§ 641.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council under the Magnuson Act.

(b) This part governs conservation and management of reef fish in the EEZ of the Gulf of Mexico, except that §§ 641.5 and 641.25 also apply to fish from adjoining State waters.

[49 FR 39553, Oct. 9, 1984, as amended at 55 FR 2086, Jan. 22, 1990]

§ 641.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Buoy gear means fishing gear consisting of a float and one or more weighted lines suspended therefrom, generally long enough to reach the bottom, on which there is a hook or hooks (usually 6 to 10) at or near the end, which is allowed to drift freely with periodic retrieval to remove catch and rebait hooks.

Charter vessel means a vessel whose operator is licensed by the U.S. Coast Guard to carry six or fewer paying passengers and whose passengers fish for a fee. A charter vessel with a permit to fish on a commercial quota for reef fish is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Fish trap means any trap and the component parts thereof used for or capable of taking finfish, regardless of the construction material, except those traps historically used in the directed fisheries for crustaceans (blue crab, stone crab, and spiny lobster).

Fork length means the distance from the tip of the snout to the rear center edge of the tail (caudal fin). (See appendix A, figure 1.)

Groundfish trawl fishery means fishing by a vessel that uses a bottom trawl, the unsorted catch of which is ground up for animal feed or industrial products.

Headboat means a vessel whose operator is licensed by the U.S. Coast Guard to carry seven or more paying passengers and whose passengers fish for a fee. A headboat with a permit to fish on a commercial quota for reef fish is operating as a headboat when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Powerhead means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, that fires a projectile upon contact.

Reef fish refers to fish in the following two categories:

(a) *Management unit.* Species taken in the directed fishery include the following:

Snappers—Lutjanidae Family

Queen snapper, *Etelis oculatus*
Mutton snapper, *Lutjanus analis*
Schoolmaster, *Lutjanus apodus*
Blackfin snapper, *Lutjanus buccanella*
Red snapper, *Lutjanus campechanus*
Cubera snapper, *Lutjanus cyanopterus*
Gray (mangrove) snapper, *Lutjanus griseus*
Dog snapper, *Lutjanus jocu*
Mahogany snapper, *Lutjanus mahogoni*
Lane snapper, *Lutjanus synagris*
Silk snapper, *Lutjanus vivanus*
Yellowtail snapper, *Ocyurus chrysurus*
Wenchman, *Pristipomoides aquilonaris*
Vermilion snapper, *Rhomboplites aurorubens*

Groupers—Serranidae Family

hind, *Epinephelus adscensionis*
ed hind, *Epinephelus drummondhayi*
vedge grouper, *Epinephelus flavolim-*
s
nd, *Epinephelus guttatus*
h, *Epinephelus itajara*
ouper, *Epinephelus morio*
grouper, *Epinephelus mystacinus*
w grouper, *Epinephelus nigritus*
grouper, *Epinephelus niveatus*
grouper, *Epinephelus striatus*
grouper, *Mycteroperca bonaci*
mouth grouper, *Mycteroperca in er-*
alis
ycteroperca microlepis
, *Mycteroperca phenax*
fin grouper, *Mycteroperca venenosa*

Sea Basses—Serranidae Family

sea bass, *Centropristis ocyurus*
sea bass, *Centropristis philadelphica*
sea bass, *Centropristis striata*

ilefishes—Malacanthidae Family

ace tilefish, *Caulolatilus chrysops*
ine tilefish, *Caulolatilus cyanops*
r tilefish, *Caulolatilus intermedius*
ne tilefish, *Caulolatilus microps*
h, *Lopholatilus chamaeleonticeps*

Jacks—Carangidae Family

er amberjack, *Seriola dumerili*
amberjack, *Seriola fasciata*

Grunts—Haemulidae Family

grunt, *Haemulon plumieri*

Porgies—Sparidae Family

orgy, *Pagrus pagrus*

Triggerfishes—Balistidae Family

triggerfish, *Balistes capriscus*

Fishery. Species taken incidental
e directed fishery include the fol-
g:

Wrasses—Labridae Family

sh, *Lachnolaimus maximus*

Grunts—Haemulidae Family

ate, *Haemulon aurolineatum*
h, *Orthopristis chrysoptera*

Porgies—Sparidae Family

porgy, *Calamus arctifrons*
ead porgy, *Calamus bajonado*
bed porgy, *Calamus nodosus*
head porgy, *Calamus proridens*
sh, *Lagodon rhomboides*

Sand Perches—Serranidae Family

f sand perch, *Diplectrum bivittatum*
Sand perch, *Diplectrum formosum*

Triggerfishes—Balistidae Family

Queen triggerfish, *Balistes vetula*

Regional Director means the Regional Director (or a designee), Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813-893-3141.

Roller trawl means a trawl net equipped with a series of large solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, i.e., in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Statistical area means one or more of the 21 statistical grids depicted in appendix A, figure 2.

Total length means the distance from the tip of the snout to the furthermost tip of the tail (caudal fin) when depressed. (See appendix A, figure 1.)

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

[49 FR 39553, Oct. 9, 1984; 49 FR 43679, Oct. 31, 1984, as amended at 52 FR 5118, Feb. 19, 1987; 52 FR 35719, Sept. 23, 1987; 52 FR 36781, Oct. 1, 1987; 52 FR 37799, Oct. 9, 1987; 52 FR 39537, Oct. 22, 1987; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988; 55 FR 2086, Jan. 22, 1990]

§ 641.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

[53 FR 24655, June 29, 1988]

§ 641.4 Permits.

(a) *Applicability.* (1) As a prerequisite to selling reef fish and to be eligible for exemption from the bag limits specified in § 641.24(b), an owner or operator of a vessel that fishes in the EEZ or a person who fishes in the EEZ from a structure must obtain an annual vessel permit.

(2) A qualifying owner or operator of a charter vessel or headboat may obtain a permit. However, a charter vessel or headboat must adhere to applicable bag limits when under charter or carrying a passenger who fishes for a fee.

(3) For a corporation to be eligible for a vessel permit, the statement required by paragraph (b)(2)(xi) of this section must be provided by a shareholder or officer of the corporation or the vessel operator.

(4) An owner or operator of a vessel using a fish trap in the EEZ or a person using a fish trap from a structure in the EEZ must obtain both a vessel permit and a color code from the Regional Director.

(5) A vessel permit issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(b) *Application for permit.* (1) An application for a vessel permit must be submitted and signed by the owner or operator of the vessel or by a person who fishes from a structure. The application must be submitted to the Regional Director at least 60 days prior to the date on which the applicant desires to have the permit made effective.

(2) Permit applicants must provide the following information (a person fishing from a structure may omit vessel information):

(i) Name, mailing address including zip code, and telephone number of the owner of the vessel;

(ii) Name, mailing address including zip code, and telephone number of the applicant, if other than the owner;

(iii) Social security number and date of birth of the applicant and the owner;

(iv) Name of the vessel;

(v) The vessel's official number;

(vi) Home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(vii) Engine horsepower and year the vessel was built;

(viii) Type of gear to be fished and other fisheries vessel is used for,

(ix) Passenger capacity and U.S. Coast Guard license number(s) of vessel operator(s) if the vessel also operates as a charter vessel or headboat during the year;

(x) Any other information concerning vessel and gear characteristics requested by the Regional Director;

(xi) A sworn statement by the applicant certifying that more than 50 percent of his or her earned income was derived from commercial, charter, or headboat fishing during the calendar year preceding the application;

(xii) Proof of certification, as required by paragraph (b)(3) of this section;

(xiii) If fish traps will be used to harvest reef fish,

(A) The number, dimensions, and estimated cubic volume of the fish traps that will be used;

(B) The applicant's desired color code for use in identifying his or her vessel and buoys; and

(C) A statement that the applicant will allow an authorized officer reasonable access to his or her property (vessel, dock, or structure) to examine fish traps for compliance with these regulations; and

(xiv) If fish traps will be used from a fixed structure,

(A) The name and number of the oil or gas structure or the most descriptive identification for other types of structures; and

(B) The location of the structure in latitude and longitude or distance and direction from a fixed point of land.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(xii) of this section before a permit is issued or to substantiate why such a permit should not be denied, revoked, or otherwise sanctioned under paragraph (l) of this section.

(4) Any change in the information specified in paragraph (b) of this section must be submitted in writing to

the Regional Director by the permit holder within 30 days of any such change. Failure to notify the Regional Director of any change in the required information will result in a presumption that the information is still accurate and current.

(c) *Fees.* A fee of $23 will be charged for each permit issued under paragraph (a) of this section and a fee of $1 will be charged for each fish trap identification tag required under § 641.6(d). The appropriate fee must accompany each permit application or request for fish trap identification tags.

(d) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit at any time during the fishing year to the applicant. In addition, the Regional Director will issue a numbered tag for each fish trap that is used in the EEZ and will designate a color code to be used for the identification of each vessel and fish trap buoys when such vessel and buoys are used to fish with fish traps in the EEZ.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days, the application will be considered abandoned.

(e) *Permit condition.* Compliance with the reporting requirements of § 641.5 is a condition for the issuance, reissuance, or continuing validity of a permit issued under this section. Failure to comply with those requirements may result in the denial or sanction of a permit pursuant to subpart D of 15 CFR part 904.

(f) *Duration.* A permit remains valid for the remainder of the fishing year for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(g) *Transfer.* A permit issued under this section is not transferable or assignable. A person purchasing a vessel with a permit to fish for reef fish must apply for a permit in accordance with the provisions of paragraph (b) of this section. The application must be accompanied by a copy of an executed (signed) bill of sale.

(h) *Display.* A permit issued under this section must be carried on board the fishing vessel or fixed structure, and such vessel or structure must be identified as provided for in § 641.6. The operator of a fishing vessel or person fishing fish traps from a fixed structure must present the permit for inspection upon request of an authorized officer.

(i) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Alteration.* A permit that is altered, erased, or multilated is invalid.

(k) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application.

[55 FR 2087, Jan. 22, 1990]

§ 641.5 Recordkeeping and reporting.

(a) A person specified in paragraphs (b) through (i) of this section must submit the information required by those paragraphs to the Science and Research Director except for data elements reported to a State agency acting as the Science and Research Director's designee. Failure to comply with the reporting requirements of the State of landing is a Federal violation.

(b) *Vessels and persons fishing with fish traps.* The owner or operator of a vessel or a person on a structure permitted under § 641.4 to fish with a fish trap in the Gulf of Mexico EEZ or who fishes in adjoining State waters must maintain a fishing record on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director so as to be received not later than 7 days after the end of each fishing trip or, in the case of a person fishing with fish traps from a structure, not later than 7 days after the end of each month. If no fishing occurred during a month, a report so stating must be submitted on one of the forms to be received not later than 7 days after the end of each month. If fishing occurred, the following information must be reported:

(1) Permit number as provided for in § 641.4.

(2) Pounds of catch of reef fish by species for each type of gear used.

(3) Date of trip, depth fished, and fishing location by statistical area.

(4) Number of trap hauls resulting in the catch.

(5) Duration (days and hours) traps were fished before each haul.

(6) Mesh size of traps.

(c) *Vessels not fishing with fish traps.* The owner or operator of a vessel that is permitted under § 641.4 to fish with gear other than fish traps in the Gulf of Mexico EEZ, or who fishes in adjoining State waters, and who is selected by the Science and Research Director, must maintain a fishing record for each fishing trip on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director on a monthly basis (or more frequently, if requested by the Science and Research Director) so as to be received not later than the 7th day of the end of the reporting period. If no fishing occurred during a month, a report so stating must be submitted on one of the forms. If fishing occurred, the following information must be reported for each trip:

(1) Name and official number of vessel.

(2) Date(s) of trip and fishing location(s) by statistical area(s).

(3) Pounds of catch of any reef fish by species.

(4) Type and quantity of gear fished.

(5) Duration (days and hours) of vessel fishing effort.

(6) Duration (hours) gear was fished before each haul.

(d) *Dealers and processors.* Any person who receives reef fish by way of purchase, barter, trade, or sale from a fishing vessel or person that fishes for, or lands said fish from the Gulf of Mexico EEZ or from adjoining State waters, and who is selected to report, must provide the following information to the Science and Research Director at monthly intervals, or more frequently if requested, on forms provided:

(1) Name and address;

(2) Total poundage of each species received during that month, or other requested interval;

(3) Average monthly price paid for each species by market size; and

(4) Proportion of total poundage landed by each gear type.

(e) *Recreational fishermen interviews.* [Reserved]

(f) *Charter vessels.* The owner or operator of a charter vessel that fishes for or lands reef fish under the bag limits in the Gulf of Mexico EEZ or in adjoining State waters, and who is selected to report, must maintain a daily fishing record for each trip on forms provided by the Science and Research Director, and must submit the forms to the Science and Research Director weekly within 7 days of the end of each week (Sunday). Information on the forms includes, but is not limited to the following:

(1) Name and official number of vessel.

(2) Operator's Coast Guard license number.

(3) Date and duration of fishing (hours) of each trip.

(4) Number of fishermen on trip.

(5) Fishing location, by statistical area.

(6) Fishing methods and type of gear.

(7) Species targeted.

(8) Number and estimated weight of fish caught by species.

(g) *Headboats.* The owner or operator of a headboat that fishes for or lands reef fish in the Gulf of Mexico EEZ or in adjoining State waters, and who is selected to report, must maintain a fishing record for each trip, or a portion of such trips as specified by the Science and Research Director, on forms provided by the Science and Research Director and must report the following information at least monthly within 7 days of the end of each month:

(1) Name and official number of vessel.

(2) Date(s) and location of each trip and duration of fishing (hours).

(3) Number of fishermen on each trip.

(4) Number of fish caught and approximate weight by species.

(5) Any other fishery management data requested by the Science and Research Director.

(6) Operator's U.S. Coast Guard license number.

(h) *Commercial vessel, charter vessel and headboat inventory.* Any person described under paragraphs (c), (f), and (g) of this section, and who was not selected to report on a monthly or more frequent basis, must provide the following information when interviewed annually by the Science and Research Director:

(1) Name and official number of vessel;

(2) Length and tonnage;

(3) Current home port;

(4) Fishing areas by statistical area;

(5) Ports where fish were landed during the last year;

(6) Type and quantity of gear; and

(7) Number of full- and part-time fishermen or crew members.

(i) *Additional data and inspection.* Additional data will be collected by authorized statistical reporting agents, as designees of the Science and Research Director, and by authorized officers. An owner or operator of a fishing vessel, a person fishing traps from a structure, and a dealer or processor are required upon request to make reef fish or parts thereof available for inspection by the Science and Research Director or an authorized officer.

[52 FR 35719, Sept. 23, 1987; 52 FR 37799, Oct. 9, 1987, as amended at 53 FR 38294, Sept. 30, 1988; 55 FR 2088, Jan. 22, 1990]

§ 641.6 Vessel, structure, and gear identification.

(a) *Vessels.* (1) A vessel for which a permit has been issued under § 641.4 must display its official number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(ii) In block arabic numerals in contrasting color to the background;

(iii) At least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels; and

(iv) Permanently affixed to or painted on the vessel.

(2) In addition, a vessel for which a permit has been issued under § 641.4 to fish with fish traps must display its color code—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(ii) In the form of a circle at least 20 inches in diameter; and

(iii) Permanently affixed to or painted on the vessel.

(b) *Structures.* A person fishing from a structure with a fish trap who has been issued a permit under § 641.4 must display his permit number and color code—

(1) So as to be clearly visible from an enforcement vessel or aircraft;

(2) With the permit number in block arabic numerals in contrasting color to the background;

(3) With the permit number at least 10 inches in height;

(4) With the color code in the form of a circle at least 20 inches in diameter; and

(5) Permanently affixed to or painted on the structure.

(c) *Duties of operator or person.* The operator of each fishing vessel specified in paragraph (a) of this section or person specified in paragraph (b) of this section must—

(1) Keep the official number or permit number and color code clearly legible and in good repair, and

(2) Ensure that no part of the fishing vessel or structure, its rigging, fishing gear, or any other material aboard obstructs the view of the official number or permit number and color code from any enforcement vessel or aircraft.

(d) *Fish traps.* Each fish trap used or possessed in the EEZ must have affixed to it an identification tag provided by the Regional Director that displays the assigned permit number, a number (normally 1-100) indicating the specific tag number for that trap, and the year for which the tag was issued. A tag for the current year must be affixed to a trap before its first use in a new year or, if in use on Janaury 1, when it is first tended after January 1.

(e) *Buoys.* Each fish trap, or the ends of a string of fish traps, must be marked by a floating buoy or by a buoy designed to be submerged and automatically released. Each buoy used to mark fish traps must display the designated color code and permit number so as to be easily distinguished, located, and identified.

(f) *Presumption of ownership.* A fish trap in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to traps that are lost or sold if the owner reports the loss or sale within 15 days to the Regional Director.

(g) *Unmarked traps or buoys.* An unmarked fish trap or buoy deployed in the EEZ is illegal and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If an owner of an unmarked trap or buoy can be ascertained, such owner is subject to appropriate civil penalties.

[55 FR 2089, Jan. 22, 1990]

§ 641.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Falsify information specified in § 641.4(b)(2) on an application for a vessel permit.

(b) Fail to display a permit, as specified in § 641.4(h).

(c) Falsify or fail to provide information required to be submitted or reported, as required by § 641.5(b) through (h).

(d) Fail to make reef fish or parts thereof available for inspection, as required by § 641.5(i).

(e) Falsify or fail to display and maintain vessel, structure, and gear identification, as required by § 641.6.

(f) Possess a reef fish smaller than the minimum size limits, as specified in § 641.21(a).

(g) Possess a reef fish without its head and fins intact, as specified in § 641.21(b).

(h) Fish with poisons or explosives or possess on board a fishing vessel any dynamite or similar explosive substance, as specified in § 641.22(a).

(i) Use or possess in the EEZ a fish trap that does not conform to the requirements for escape windows, degradable openings, and mesh sizes specified in § 64[illegible](1), (2), and (3).

(j) Use in the EEZ shoreward of the 50-fathom isobath a fish trap that exceeds the maximum allowable size specified in § 641.22(b)(4).

(k) Fish or possess in the EEZ more than 100 fish traps per vessel or structure, as specified in § 641.22(b)(5).

(l) Pull or trend a fish trap, except during the hours specified in § 641.22(b)(6)(i); or tend, open, pull, or otherwise molest or have in possession another person's fish trap, except as specified in § 641.22(b)(6)(ii).

(m) Use a powerhead to take reef fish of the management unit in the stressed area, as specified in § 641.23(a)(1).

(n) Use a fish trap or a roller trawl in the stressed area, as specified in § 641.23(a)(2).

(o) Use a longline or buoy gear to fish for reef fish in the longline and buoy gear restricted area, as specified in § 641.23(b).

(p) Exceed the bag and possession limits, as specified in § 641.24(a) through (d).

(q) Operate a vessel with reef fish aboard that are smaller than the minimum size limits, do not have head and fins intact, or are in excess of the cumulative bag limit, as specified in §§ 641.21(c) and 641.24(e).

(r) Transfer reef fish at sea, as specified in § 641.24(f).

(s) Purchase, barter, trade, or sell a reef fish taken by a vessel that does not have a permit or by a person fishing from a structure who does not have a permit, as specified in § 641.4(a), or taken under the bag limits, as specified in § 641.24(g).

(t) Harvest or possess a jewfish in or from the EEZ.

[49 FR 39553, Oct. 9, 1984, as amended at 52 FR 35720, Sept. 23, 1987; 53 FR 24656, June 29, 1988; 55 FR 2089, Jan. 22, 1990; 55 FR 25311, June 21, 1990]

§ 641.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 641.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 641.20 Fishing year.

The fishing year for reef fish begins on January 1 and ends on December 31.

§ 641.21 Harvest limitations.

(a) *Minimum sizes.* The following minimum size limits apply for the possession of reef fish in or taken from the EEZ:

(1) Red snapper—13 inches total length.

(2) Gray, mutton, and yellowtail snappers—12 inches total length.

(3) Lane and vermilion snappers—8 inches total length.

(4) Red, Nassau, yellowfin, and black groupers and gag—20 inches total length.

(5) Greater amberjack—28 inches fork length for a fish taken by a person subject to the bag limit specified in § 641.24(b)(4) and 36 inches fork length, for a fish taken by a person not subject to the bag limit.

(6) Black sea bass—8 inches total length.

(b) *Head and fins intact.* A reef fish subject to a minimum size limit specified in paragraph (a) of this section possessed in the EEZ must have its head and fins intact and such reef fish taken from the EEZ must have its head and fins intact through landing. Such reef fish may be eviscerated but must otherwise be maintained in a whole condition.

(c) *Operator responsibility.* The operator of a vessel that fishes in the EEZ is responsible for ensuring that reef fish possessed aboard that vessel comply with the minimum sizes specified in paragraph (a) of this section and are maintained with head and fins intact as specified in paragraph (b) of this section.

[55 FR 2090, Jan. 22, 1990, as amended at 55 FR 25311, June 21, 1990]

§ 641.22 Gear restrictions.

(a) *Poisons and explosives.* Poisons and explosives may not be used to take reef fish in the EEZ; however, powerheads may be used outside the stressed area. A vessel in the reef fish fishery may not possess on board any dynamite or similar explosive substance.

(b) *Fish traps.* A fish trap used or possessed in the EEZ and a person using a fish trap in the EEZ are subject to the following requirements and limitations:

(1) *Escape windows.* Each trap must have at least two escape windows on each of two sides, excluding the bottom (a total of four escape windows), that are 2×2 inches or larger.

(2) *Openings and degradable fasteners.*

(i) A degradable panel or access door must be located opposite each side of the trap that has a funnel.

(ii) The opening covered by each degradable panel or access door must be 144 square inches or larger, with one dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel) with no other dimension less than 6 inches.

(iii) The hinges and fasteners of each degradable panel or access door must be constructed of one of the following materials:

(A) Untreated jute string of $\frac{3}{16}$-inch diameter or smaller; or

(B) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(3) *Mesh sizes.* A fish trap must meet all of the following mesh size requirements (based on centerline measurements between opposite wires or netting strands) (see Appendix A, Figure 3):

(i) A minimum of 2 square inches of opening for each mesh;

(ii) One-inch minimum length for the shortest side;

(iii) Minimum distance of 1 inch between parallel sides of rectangular openings, and 1.5 inches between parallel sides of square openings and of mesh openings with more than four sides; and

(iv) One and nine-tenths (1.9) inches minimum distance for diagonal measures of mesh.

(4) *Maximum allowable size.* The maximum allowable size for a fish trap fished in the EEZ shoreward of the 50-fathom isobath (300-foot contour) is 33 cubic feet in volume. Fish trap volume is determined by measuring the external dimensions of the trap.

and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom isobath.

(5) *Effort limitation.* The maximum number of traps that may be assigned to, possessed, or fished in the EEZ by a vessel or from a structure is 100.

(6) *Tending traps.* (i) A reef fish trap may be pulled or tended only during the period from official (civil) sunrise to official (civil) sunset.

(ii) A reef fish trap may be tended only by a person (other than an authorized officer) aboard the vessel permitted to fish such trap, or aboard another vessel if such vessel has on board written consent of the vessel permit holder.

[55 FR 2090, Jan. 22, 1990]

§ 641.23 Area limitations.

(a) *Stressed area.* (1) A powerhead may not be used in the stressed area to take reef fish of the management unit. Possession of a powerhead and a mutilated reef fish of the management unit in the stressed area or after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area.

(2) A fish trap or a roller trawl may not be used in the stressed area. A fish trap used in the stressed area will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If an owner of such fish trap can be ascertained, such owner is subject to appropriate civil penalties.

(3) The stressed area is that portion of the EEZ in the Gulf of Mexico shoreward of a line connecting the points listed in appendix A, table 1. (See also appendix A, figure 4.)

(b) *Longline and buoy gear restricted area.* (1) Longline and buoy gear may not be used to fish for reef fish in the longline and buoy gear restricted area. For the purposes of this paragraph (b), fishing for reef fish means possessing or landing reef fish—

(i) For which a bag limit is specified in § 641.24(b), in excess of that bag limit; or

(ii) For which no bag limit is sp
fied, in excess of 5 percent by wei
of all fish aboard or landed.

(2) A person aboard a vessel t
uses on any trip longline or buoy
in the longline and buoy gear restr
ed area to fish for species other t
reef fish is limited on that trip to
bag limits specified in § 641.24(b)
for other reef fish, to 5 percent
weight of all fish aboard the vesse
landed.

(3) The longline and buoy gear
stricted area is that portion of
EEZ in the Gulf of Mexico sho
of a line connecting the points li
in appendix A, table 2. (See also
pendix A, figure 5.)

[55 FR 2090, Jan. 22, 1990]

§ 641.24 Bag and possession limits.

(a) *Applicability.* Bag limits apply
a person who fishes in the EEZ—

(1) From a fixed structure withou
permit specified in § 641.4;

(2) From a vessel—

(i) That does not have on boar
permit specified in § 641.4,

(ii) With trawl gear or entangl
net gear on board,

(iii) With a longline or buoy gear
board when such vessel is fishing
has fished on its present trip in
longline and buoy gear restricted a
specified in § 641.23(b), or

(iv) That is carrying a passenger w
fishes for a fee; or

(3) For a species for which the qu
specified in § 641.25 has been reach
and closure has been effected.

(b) *Bag limits.* Daily bag limits are

(1) Red snapper—7.

(2) Snappers, excluding red, la
and vermilion snapper—10.

(3) Groupers, excluding jewfish—5

(4) Greater amberjack—3.

(5) Jewfish—0.

(c) *Possession limits.* A person su
ject to a bag limit may not possess
or from the EEZ during a single d
regardless of the number of trips
the duration of a trip, any reef fish
excess of the bag limits specified
paragraph (b) of this section, exce
that a person who is on a trip th
spans more than 24 hours may poss
no more than two daily bag limits, p

vided such trip is aboard a charter vessel or headboat, and,

(1) The vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours, and

(2) Each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(d) *Combination of bag limits.* A person who fishes in the EEZ may not combine a bag limit specified in paragraph (b) of this section with a bag or possession limit applicable to State waters.

(e) *Responsibility for bag and possession limits.* The operator of a vessel that fishes in the EEZ is responsible for the cumulative bag or possession limit applicable to that vessel, based on the number of persons aboard.

(f) *Transfer of reef fish.* A person for whom a bag or possession limit specified in paragraph (b) or (c) of this section applies may not transfer at sea a reef fish—

(1) Taken in the EEZ; or

(2) In the EEZ, regardless of where such reef fish was taken.

(g) *Sale.* A reef fish taken under the bag limits specified in paragraph (b) of this section may not be purchased, bartered, traded, or sold.

[55 FR 2090, Jan. 22, 1990, as amended at 55 FR 25311, June 21, 1990]

§ 641.25 Commercial quotas.

Persons who are fishing under a permit issued pursuant to § 641.4, provided they are not subject to the bag limits specified in § 641.24, are subject to the following quotas each fishing year:

(a) Red snapper—3.1 million pounds.

(b) Yellowedge, misty, warsaw, and snowy grouper (deep-water groupers), combined—1.8 million pounds.

(c) All other groupers, excluding jewfish, combined—9.2 million pounds.

(d) Jewfish—0 pounds.

[55 FR 2091, Jan. 22, 1990, as amended at 55 FR 25311, June 21, 1990]

§ 641.26 Closures.

When a commercial quota specified in § 641.25 is reached, or is projected to be reached, the Secretary will publish a notice to that effect in the FEDERAL REGISTER. After the effective date of such notice, for the remainder of the fishing year, the bag limit will apply to all harvest in the EEZ of the indicated species, and the purchase, barter, trade, and sale of the indicated species taken from the EEZ is prohibited. This prohibition does not apply to trade in the indicated species that were harvested, landed, and bartered, traded, or sold prior to the effective date of the notice in the FEDERAL REGISTER and were held in cold storage by a dealer or processor.

[55 FR 2091, Jan. 22, 1990]

§ 641.27 Exemptions for the groundfish trawl fishery.

(a) The requirements of §§ 641.4(a)(1) and 641.24(a)(2)(ii) notwithstanding, the owner or operator of a vessel in the groundfish trawl fishery is exempt from the bag limits for its unsorted catch of reef fish and is not required to obtain a permit in order to sell the vessel's unsorted catch of reef fish or to be exempt from the bag limits for the vessel's unsorted catch of reef fish.

(b) The requirements of § 641.21(a) notwithstanding, the minimum size limits do not apply to the unsorted catch of a vessel in the groundfish trawl fishery.

(c) The requirements of § 641.26 notwithstanding, after a closure, the bag limits and the prohibition on purchase, barter, trade, or sale do not apply to the unsorted catch of reef fish in the groundfish trawl fishery.

(d) The harvest limitations of § 641.21 and the bag and possession limits of § 641.24 apply to any reef fish that may be sorted from the catch of a vessel in the groundfish trawl fishery.

[55 FR 2091, Jan. 22, 1990]

§ 641.28 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[49 FR 39553, Oct. 9, 1984. Redesignated at 55 FR 2090, Jan. 22, 1990]

APPENDIX A TO PART 641—TABLES AND FIGURES

TABLE 1—SEAWARD COORDINATES OF THE STRESSED AREA

Point No. and reference location [1]	North latitude
1 Seaward limit of Florida's waters northeast of Dry Tortugas	24°45.5′
2 North of Marquesas Keys	24°48.0′
3 Off Cape Sable	25°15.0′
4 Off Sanibel Island—Inshore	26°26.0′
5 Off Sanibel Island—Offshore	26°26.0′
6 West of Egmont Key	27°30.0′
7 Off Anclote Keys—Offshore	28°10.0′
8 Off Anclote Keys—Inshore	28°10.0′
9 Off Deadman Bay	29°38.0′
10 Seaward limit of Florida's waters east of Cape St. George	29°35.5′
Thence westerly along the seaward limit of Florida's waters to	
11 Seaward limit of Florida's waters south of Cape San Blas	29°32.2′
12 Southwest of Cape San Blas	29°30.5′
13 Off St. Andrew Bay	29°53.0′
14 De Soto Canyon	30°06.0′
15 South of Florida/Alabama border	29°34.5′
16 Off Mobile Bay	29°41.0′
17 South of Alabama/Mississippi border	30°01.5′
18 Horn/Chandeleur Islands	30°01.5′
19 Chandeleur Islands	29°35.5′
20 Seaward limit of Louisiana's waters off North Pass of the Mississippi River	29°16.3′
Thence southerly and westerly along the seaward limit of Louisiana's waters to	
21 Seaward limit of Louisiana's waters off Southwest Pass of the Mississippi River	28°57.3′
22 Southeast of Grand Isle	29°09.0′
23 Quick flashing horn buoy south of Isles Dernieres	28°32.5′
24 Southeast of Calcasieu Pass	29°10.0′
25 South of Sabine Pass—10 fathoms	29°09.0′
26 South of Sabine Pass—30 fathoms	28°21.5′
27 East of Aransas Pass	27°49.0′
28 East of Baffin Bay	27°12.0′
29 Northeast of Port Mansfield	26°46.5′
30 Northeast of Port Isabel	26°21.5′
31 U.S./Mexico EEZ boundary	26°00.5′
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.	

[1] Nearest identifiable landfall, boundary, navigational aid, or submarine area.

TABLE 2—SEAWARD COORDINATES OF THE LONGLINE AND BUOY GEAR RESTRICTED AREA

Point No. and reference location [1]	North latitude	We longi
1 Seaward limit of Florida's waters north of Dry Tortugas	24°48.0′	82
2 North of Rebecca Shoal	25°07.5′	82
3 Off Sanibel Island—Offshore	26°26.0′	82
4 West of Egmont Key	27°30.0′	83
5 Off Anclote Keys—Offshore	28°10.0′	83
6 Southeast corner of Florida Middle Ground	28°11.0′	84
7 Southwest corner of Florida Middle Ground	28°11.0′	84
8 West corner of Florida Middle Ground	28°26.6′	84
9 Northwest corner of Florida Middle Ground	28°42.5′	84
10 South of Carrabelle	29°05.0′	84
11 South of Cape St. George	29°02.5′	85
12 South of Cape San Blas lighted bell buoy—20 fathoms	29°21.0′	85
13 South of Cape San Blas lighted bell buoy—50 fathoms	28°58.7′	85
14 De Soto Canyon	30°06.0′	86
15 South of Pensacola	29°46.0′	87
16 South of Perdido Bay	29°29.0′	87
17 East of North Pass of the Mississippi River	29°14.5′	88

TABLE 2—SEAWARD COORDINATES OF THE LONGLINE AND BUOY GEAR RESTRICTED AREA—Continued

Point No. and reference location [1]	North latitude	West longitude
18 South of Southwest Pass of the Mississippi River	28°46.5′	89°26.0′
19 Northwest tip of Mississippi Canyon	28°38.5′	90°08.5′
20 West side of Mississippi Canyon	28°34.5′	89°59.5′
21 South of Timbalier Bay	28°22.5′	90°02.5′
22 South of Terrebonne Bay	28°10.5′	90°31.5′
23 South of Freeport	27°58.0′	95°00.0′
24 Off Matagorda Island	27°43.0′	96°02.0′
25 Off Aransas Pass	27°30.0′	96°23.5′
26 Northeast of Port Mansfield	27°00.0′	96°39.0′
27 East of Port Mansfield	26°44.0′	96°37.5′
28 Northeast of Port Isabel	26°22.0′	96°21.0′
29 U.S./Mexico EEZ boundary	26°00.5′	96°24.5′
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.		

[1] Nearest identifiable landfall, boundary, navigational aid, or submarine area.

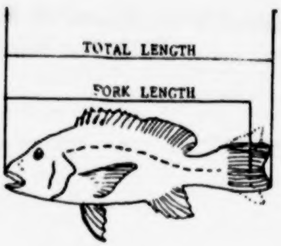

TOTAL LENGTH
FORK LENGTH

Figure 1. Illustration of fork length and total length measurement

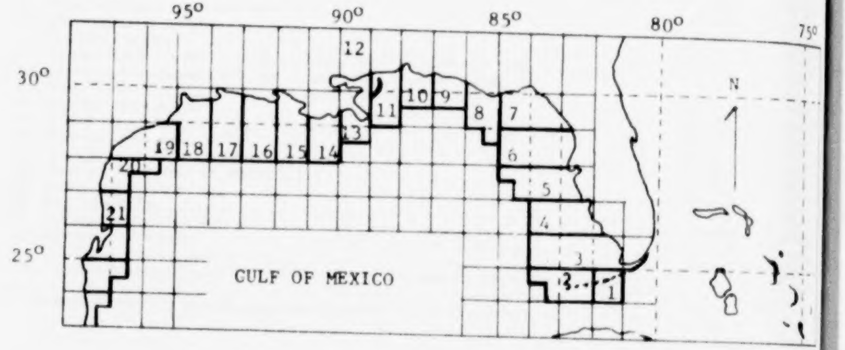

95°
90°
85°
80°
75°
30°
25°
12
11
10
9
8
7
6
5
4
3
2
1
13
14
15
16
17
18
19
20
21
N
GULF OF MEXICO

Figure 2. Statistical Grids for Reporting Harvest of Reef Fish.

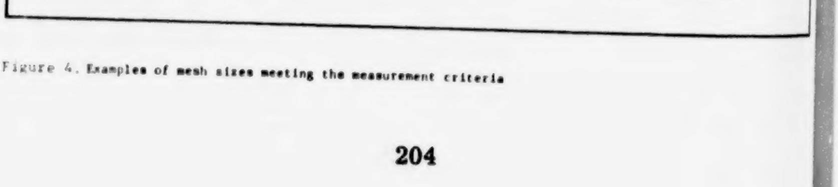

1"
2"
Rectangle
1.5"
1.5"
Square
1.5"
1.9"
More than four sides

Figure 4. Examples of mesh sizes meeting the measurement criteria

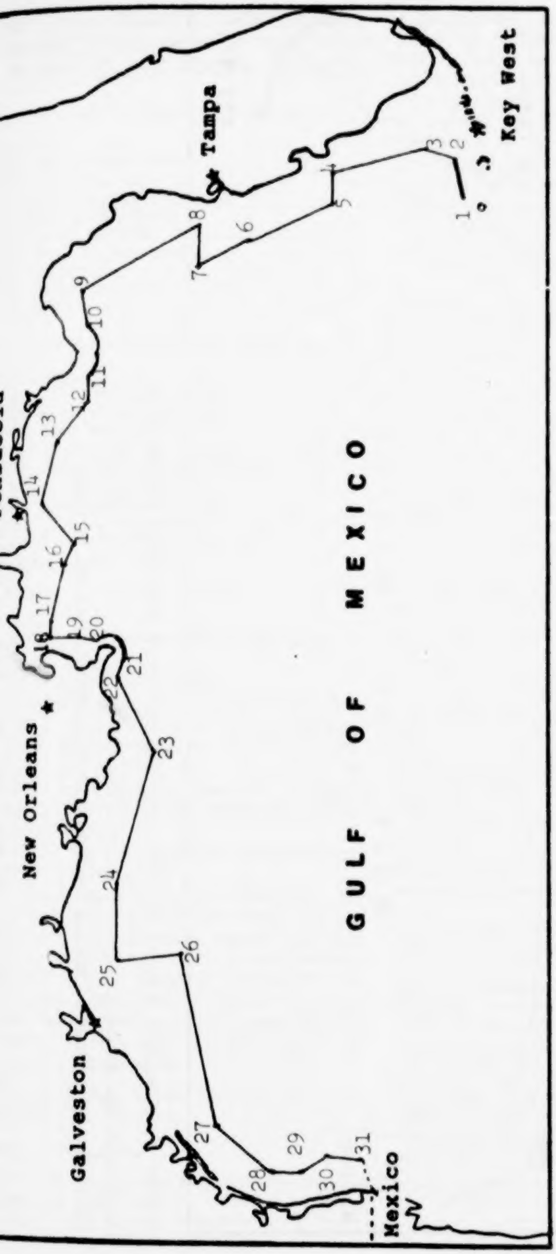

Tampa
Key West
New Orleans
Galveston
Mexico
GULF OF MEXICO
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Figure 4. Seaward Limits of the Stressed Area.

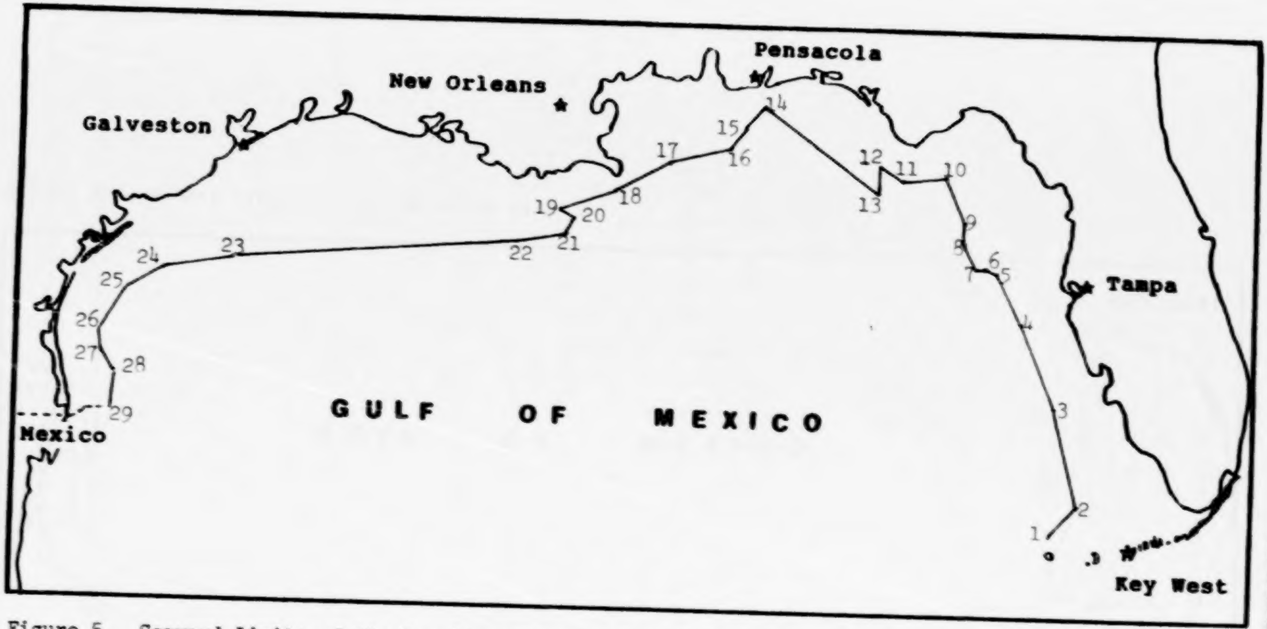

Pensacola
New Orleans
Galveston
Tampa
Key West
Mexico
GULF OF MEXICO
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Figure 5. Seaward Limits of the Longline and Buoy Gear Restricted Area.

[55 FR 2091, Jan. 22, 1990]

EDITORIAL NOTE: Figures 1 and 2 of Appendix A appear at 49 FR 39553, Oct. 9, 1984.

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Subpart A—General Provisions

Sec.
642.1 Purpose and scope.
642.2 Definitions.
642.3 Relation to other laws.
642.4 Permits and fees.
642.5 Recordkeeping and reporting.
642.6 Vessel identification.
642.7 Prohibitions.
642.8 Facilitation of enforcement.
642.9 Penalties.

Subpart B—Management Measures

642.20 Seasons.
642.21 Allocation and quotas.
642.22 Closures and bag limit reductions.
642.23 Size restrictions.
642.24 Vessel, gear, equipment limitations.
642.25 Specifically authorized activities.
642.26 Area, time limitations.
642.27 Stock assessment procedures.
642.28 Bag and possession limits.
642.29 Area and time separation.
Appendix A to Part 642

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 642.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for Coastal Migratory Pelagic Resources developed by the Gulf of Mexico and South Atlantic Fishery Management Councils under the Magnuson Act.

(b) This part governs conservation and management of—

(1) King and Spanish mackerel off the Atlantic coastal states south of the New York/Connecticut border and off the Gulf of Mexico coastal states; and

(2) All other coastal migratory pelagic fish off the Atlantic coastal states south of the Virginia/North Carolina border and off the Gulf of Mexico coastal states.

[48 FR 5272, Feb. 4, 1983, as amended at 55 FR 29373, July 19, 1990]

§ 642.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Acceptable biological catch (ABC) means a range of harvest levels computed from stock assessment parameters that sets forth the levels of harvest which can be taken from a stock or migratory group while maintaining the stock at or near maximum sustainable yield. ABC may vary due to fluctuating recruitment, fluctuating abundance, and intensity of fishing effort.

Allocation means that portion or percentage of the total allowable catch of a stock or migratory group of fish which is allocated to a specific user group for harvest during a fishing year. Harvest levels may be limited to an allocation by specifying harvest quotas or by specifying nonquota restrictions such as bag limits, etc.

Charter vessel (includes a headboat) means a vessel whose operator is licensed by the U.S. Coast Guard to carry paying passengers and whose passengers fish for a fee. A charter vessel with a permit to fish on a commercial allocation for king or Spanish mackerel is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Charter vessel crew means those individuals, including the licensed vessel operator, who receive monetary or other compensation from the vessel owner or from the passengers who are engaged in fishing from the vessel as anglers.

Coastal migratory pelagic fish means the following species:

King mackerel, *Scomberomorus cavalla*
Spanish mackerel, *Scomberomorus maculatus*
Cero, *Scomberomorus regalis*
Cobia, *Rachycentron canadum*
Little tunny, *Euthynnus alletteratus*
Dolphin, *Coryphaena hippurus*
Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only)

Commercial fishery means the harvesting of king or Spanish mackerel by a person fishing under the annual vessel permit specified in § 642.4(a)(1).

Conflict means an incident at sea involving one or more fishing vessels—(a) In which contact between one fishing vessel or its gear with another vessel or gear results in damage or destruction of fishing gear, loss of gear and associated catch through disappearance of the gear or its location buoys, preemption of fishing grounds, removal of catch from the gear, or vessel collision;

(b) In which there is imminent threat of one fishing vessel or its gear coming into contact with another vessel or gear; or

(c) In which competition for a resource between one fishing vessel or its gear and another vessel or gear—

(1) Results in displacement of a traditional fishery by new gear,

(2) Results in reduced catches in the traditional fishery, or

(3) Leads the Councils to conclude that the situation will result in displacement of a traditional fishery by new gear or in reduced catches in the traditional fishery.

Competition is not in and of itself conflict; however, when competition is intensified, it can lead to conflict.

Councils means: (a) The South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699; and

(b) The Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 881, Tampa, FL 33609.

Drift gillnet means a gillnet having a float line that is more than 1,000 yards in length; or any gillnet having a float line that is 1,000 yards or less in length, other than a run-around gillnet, that, when used, drifts in the water, that is, is not anchored at both ends, whether or not it is attached to a vessel.

EEZ, as defined in § 620.2, (a) For requirements related to king and Spanish mackerel, means the EEZ off the Atlantic coastal states south of the New York/Connecticut border and off the Gulf of Mexico coastal states;

(b) For requirements related to all other coastal migratory pelagic fish except bluefish, means the EEZ off the Atlantic coastal states south of the Virginia/North Carolina border and off the Gulf of Mexico coastal states; and

(c) For requirements related to bluefish, means the EEZ off the Gulf of Mexico coastal states.

Fork length means the distance
the tip of the head to the cent
the tail (caudal fin).

Gillnet means a wall of netting
pended vertically in the wate
floats along the top and weights
the bottom, that entangles the
gills, or other body parts of fish
attempt to pass through the mesh

Migratory group means a grou
fish that may or may not be a sep
genetic stock but which for ma
ment purposes may be treated
separate stock (See Figure 2
§ 642.29(a) for the geographical
seasonal boundaries between mig
ry groups of king mackerel
§ 642.29(b) for the geograp
boundary between migratory gr
of Spanish mackerel.)

Overfished means that the spaw
stock biomass per recruit (SSBR)
mackerel or cobia stock is less
the target level percentage re
mended and approved in accord
with the stock assessment proced
The target level percentage will be
ommended by the assessment g
and approved by the Scientific
Statistical Committees of the C
cils, and may not be less than 20
cent.

Overfishing means—(a) That
overfished stock is being harveste
a rate that is not consistent wit
program that has been establishe
rebuild the stock to the target l
percentage; or

(b) That a stock that is not o
fished is being harvested at a
that, if continued, would lead t
state of the stock that would not a
a harvest at least equal to optim
yield on a continuing basis.

Processor means a person who p
esses fish or fish products for comm
cial use or consumption.

Recreational fishery means the h
vesting of king or Spanish mackerel
a person fishing under a bag limit.

Regional Director means the
gional Director, Southeast Regi
NMFS, Duval Building, 9450 Ko
Boulevard, St. Petersburg, FL 337
telephone, 813-893-3141, or a design

Runaround gillnet means a gill
with a float line 1,000 yards or less

length that, when used, encloses an area of water.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Species means the specific scientific name for each fish identified under the definition of coastal migratory pelagic fish.

Statistical area means one or more of the statistical grids depicted in Figure 3.

Total allowable catch (*TAC*) means the maximum permissible level of annual harvest specified for a stock or migratory group after consideration of the biological, economic, and social factors with such level usually being specified from below the upper range of ABC. TAC may be set above the ABC range when it will not result in overfishing.

Total length means the distance from the tip of the head to the tip of the tail (caudal fin) while the fish is lying on its side normally extended.

Trip means a fishing trip regardless of number of days duration which begins with departure from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

[48 FR 5272, Feb. 4, 1983, as amended at 50 FR 34843, Aug. 28, 1985; 51 FR 26011, July 18, 1986; 52 FR 23838, June 25, 1987; 52 FR 36579, Sept. 30, 1987; 53 FR 24655, June 29, 1988; 53 FR 27693, July 22, 1988; 53 FR 38294, Sept. 30, 1988; 54 FR 29564, July 13, 1989; 55 FR 29373, 29375, July 19, 1990]

§ 642.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) These regulations apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and South Atlantic EEZ.

[48 FR 5272, Feb. 4, 1983, as amended at 52 FR 23841, June 25, 1987; 53 FR 24655, June 29, 1988]

§ 642.4 Permits and fees.

(a) *Applicability.* (1) An owner or operator of a fishing vessel that fishes for king or Spanish mackerel in the EEZ under a commercial allocation in § 642.21 (a) or (c) is required to obtain an annual vessel permit.

(2) A qualifying owner or operator of a charter vessel may obtain a permit to fish under a commercial allocation for king or Spanish mackerel. A charter vessel in the EEZ must adhere to the applicable bag limit while under charter.

(3) An owner or operator of a charter vessel that fishes for coastal migratory pelagic fish in the EEZ is required to obtain an annual charter vessel permit.

(4) For a corporation or partnership to be eligible for an annual vessel permit specified in paragraph (a)(1) of this section, the earned income qualification specified in paragraph (b)(2)(vi) of this section must be met by, and the statement required by that paragraph must be submitted by, a shareholder or officer of the corporation, a general partner of the partnership, or the vessel operator.

(b) *Application for permit.* (1) An application for a permit may be submitted to the Regional Director at any time but should be submitted at least 60 days prior to the date on which the applicant desires to have the permit made effective. An application must be signed by the owner or operator.

(2) An applicant for a permit to fish under a commercial allocation for king and/or Spanish mackerel must provide the following information:

(i) Name, mailing address including zip code, and telephone number of the owner and the operator of the vessel;

(ii) Name of vessel;

(iii) The vessel's official number;

(iv) Home port or principal port of landing, gross tonnage, radio call sign, and length of vessel;

(v) Approximate fish hold capacity of the vessel;

(vi) A sworn statement by the owner or operator certifying that at least 10 percent of his or her earned income was derived from commercial fishing, i.e., sale of the catch, during the preceding calendar year (January 1 through December 31);

(vii) Any other information concerning vessel, gear characteristics, or fishing area requested by the Regional Director;

(viii) The migratory group(s) of king and/or Spanish mackerel that will be fished; and

(ix) Proof of certification as required by paragraph (b)(3) of this section.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement submitted under paragraph (b)(2)(vi) of this section before a permit is issued or to substantiate why such a permit should not be revoked under paragraph (h) of this section.

(4) An applicant for a charter vessel permit must provide the following information:

(i) Name, mailing address including zip code, and telephone number of the owner and the operator of the vessel;

(ii) Name of vessel;

(iii) The vessel's official number;

(iv) Homeport or principal port of landing, and length of vessel; and

(v) Passenger capacity.

(c) *Issuance.* The Regional Director will issue a permit at any time for an April through March permit year. Upon receipt of a complete application, a permit will normally be issued in 30 days but may take as long as 60 days during peak periods of activity (February and March). Until an annual vessel permit specified in paragraph (a)(1) of this section is on board, bag limits apply.

(d) *Fees.* A fee of $23 will be charged for each permit issued under paragraph (a) of this section, beginning with permits issued for the permit year that commences April 1, 1991. The appropriate fee must accompany each permit application.

(e) *Duration.* A permit is valid only for that portion of the permit year remaining after it is issued (April 1 through March 31 is the full permit year), unless revoked, suspended, or modified under Subpart D of 15 CFR Part 904.

(f) *Transfer.* A permit issued under this section is not transferable or assignable except on sale of the vessel to a new owner. A permit is valid only for the fishing vessel for which it is issued. A person purchasing a vessel with a permit to fish under a commercial allocation for king or Spanish mackerel or a charter vessel with permit to fish for coastal migrator pelagic fish must apply for a permit i accordance with the provisions o paragraph (b) of this section. The application must be accompanied by copy of an executed (signed) bill o sale. The new owner of a permitte vessel may fish with the precedin owner's permit until a new permit i issued or his application is disapproved, but for a period not to excee 60 days from the date of purchase Until a new permit is received, a copy of the executed (signed) bill of sal must be aboard the vessel and available for inspection by an authorize officer.

(g) *Display.* A permit issued unde this section must be carried aboar the fishing vessel, and a vessel permitted to fish under a commercial allocation must be identified as provided fo in § 642.6. The operator of a fishing vessel must present the permit for inspection upon request of an authorized officer.

(h) *Sanctions.* Subpart D of 15 CFR Part 904 governs the imposition of sanctions against a permit issued under this section.

(i) *Alteration.* Any permit which i altered, erased, or mutilated is invalid.

(j) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(k) *Change in permit application information.* A permittee must notify the Regional Director within 30 days after any change in the permit application information required by paragraph (b)(2) or (b)(4) of this section.

[50 FR 34844, Aug. 28, 1985, as amended at 52 FR 23838, June 25, 1987; 54 FR 29564, July 13, 1989; 55 FR 29373, July 19, 1990]

§ 642.5 Recordkeeping and reporting.

(a) *Commercial vessel owners and operators.* An owner or operator of a fishing vessel that fishes for or lands coastal migratory pelagic fish for sale, trade, or barter in or from the EEZ or adjoining State waters, or whose vessel is issued a permit under § 642.4(a)(1), and who is selected to report, must provide the following information regarding any fishing trip to the Science and Research Director:

(1) Name and official number of vessel;

(2) Poundage of catch of any coastal migratory pelagic fish, by species;

(3) Depth fished and information regarding fishing location that is specific enough to enable the Science and Research Director to ascertain the statistical area fished (see figure 3);

(4) Amount and person to whom sold, bartered, or traded;

(5) Number, size, and type of gear; and

(6) Period (hours or days) of fishing.

(b) *Charter vessel owners and operators.* An owner or operator of a charter vessel that fishes for or lands coastal migratory pelagic fish in or from the EEZ or adjoining State waters, or whose vessel is issued a permit under § 642.4(a)(3), and who is selected to report, must maintain a daily fishing record on forms provided by the Science and Research Director. These forms must be submitted to the Science and Research Director weekly and must provide the following information:

(1) Name or official number of vessel;

(2) Operator's Coast Guard license number;

(3) Date of trip;

(4) Number of fishermen on trip;

(5) Area fished;

(6) Fishing methods and type of gear;

(7) Hours fished;

(8) Species targeted; and

(9) Number and estimated weight of fish caught by species.

(c) *Dealers and processors.* A person who receives coastal migratory pelagic fish, or parts thereof, by way of purchase, barter, trade, or sale from a fishing vessel or person that fishes for or lands such fish, or parts thereof, in or from the EEZ or adjoining State waters, and who is selected to report, must provide the following information to the Science and Research Director at monthly intervals, or more frequently if requested, and on forms provided by the Science and Research Director:

(1) Dealer's or processor's name and address;

(2) County where fish were landed;

(3) Total poundage of each species received during that month, or other requested interval;

(4) Average monthly price paid for each species; and

(5) Proportion of total poundage landed by each gear type.

(d) *Recreational fishing vessels.* [Reserved]

(e) *Availability of fish for inspection.* An owner or operator of a commercial, charter, or recreational vessel or a dealer or processor shall make any coastal migratory pelagic fish, or parts thereof, available, upon request, for inspection by the Science and Research Director for the collection of additional information or by an authorized officer.

(f) For an owner or operator of a commercial, charter, or recreational vessel or a dealer or processor in the states from New York through Virginia, or in the waters off those states, for the purposes of paragraphs (c) and (e) of this section, the term *Science and Research Director* means the Science and Research Director, Northeast Fisheries Center, NMFS, Woods Hole, MA 02543, telephone 508-548-5123, or a designee.

(Approved by the Office of Management and Budget under control numbers 0648-0016 and 0648-0159)

[50 FR 34844, Aug. 28, 1985, as amended at 52 FR 23839, June 25, 1987; 53 FR 38294, Sept. 30, 1988; 54 FR 29564, July 13, 1989; 55 FR 29373, July 19, 1990]

§ 642.6 Vessel identification.

(a) *Official number.* A vessel engaged in fishing for king or Spanish mackerel under a commercial allocation and the permit specified in § 642.4(a)(1) must display its official number—

(1) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(2) In block arabic numerals in contrasting color to the background;

(3) At least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels; and

(4) Permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must—

(1) Keep the official number clearly legible and in good repair, and

(2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material aboard obstructs the view of the official number from any enforcement vessel or aircraft.

[50 FR 34845, Aug. 28, 1985, as amended at 54 FR 29564, July 13, 1989]

§ 642.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for king or Spanish mackerel in violation of any area closures or season closures as specified in § 642.26.

(b) Possess in or harvest from the EEZ king or Spanish mackerel under the minimum size limit specified in § 642.23(a)(1), except for the catch allowance specified in § 642.23(a)(2).

(c) Possess in or harvest from the EEZ cobia under the minimum size limit specified in § 642.23(b).

(d) Fish in the EEZ for coastal migratory pelagic fish with prohibited gear or possess any coastal migratory pelagic fish in or from the EEZ aboard a vessel with prohibited gear aboard, as specified in § 642.24(a).

(e) Fish in the EEZ for king or Spanish mackerel with a gillnet with a mesh size less than the minimum allowable, or possess king or Spanish mackerel in or from the EEZ on board a vessel that has aboard a gillnet with a mesh size less than the minimum allowable, as specified in § 642.24(b).

(f) Fail to display a permit as provided for in § 642.4(g).

(g) Falsify or fail to report information, as specified in §§ 642.4 and 642.5.

(h) Fail to make fish available for inspection as required by § 642.5(e).

(i) Falsify or fail to display the official number or comply with other provisions for vessel identification as specified in § 642.6.

(j) Purchase, barter, trade, or sell, for the remainder of the appropriate fishing year, king or Spanish mackerel harvested in the EEZ from a specific migratory group or zone after the commercial allocation or quota
that migratory group or zone
§ 642.21 (a) or (c) has been rea
and closure under § 642.22(a) has
invoked, as specified
§ 642.28(a)(4)(iii). (This prohib
does not apply to trade in kin
Spanish mackerel harvested, lan
and bartered, traded, or sold prio
the closure and held in cold storag
a dealer or processor.)

(k) Fish for, retain, or have in
session in the EEZ aboard a vessel
mitted under § 642.4(a)(1) to
under a commercial allocation,
mackerel from a migratory grou
zone after the commercial alloca
or quota for that migratory grou
zone specified in § 642.21(a) has
reached and closure has been inv
as specified in § 642.22(a), excep
provided in § 642.24(c)
§ 642.28(a)(4)(ii).

(l) Sell the incidental catch al
ance of king or Spanish mack
taken in the EEZ under § 642.24 (b
or (c) after the allocations or qu
specified in § 642.21 (a) or (c) h
been reached and closure has been
voked as specified in § 642.22(a).

(m) Fish for, retain, or have in
session in the EEZ aboard a vessel
mitted under § 642.4(a)(1) to
under a commercial allocation, Sp
ish mackerel from a migratory gr
after the commercial allocation
that migratory group specified
§ 642.21(c) has been reached and
sure has been invoked un
§ 642.22(a), except as provided for
§ 642.28(a)(4)(ii).

(n) Land, consume at sea, sell,
have in possession at sea or at time
landing king mackerel, Spanish ma
erel, or cobia in excess of the
limits specified in § 642.28 (a) and

(o) Fish for king or Spanish mack
el in the EEZ under an allocation sp
ified in § 642.21 (a) or (c) withou
permit as specified in § 642.4(a)(1).

(p) [Reserved]

(q) Possess or land king macke
Spanish mackerel, or cobia with
the head and fins intact, as specif
in § 642.23(c).

(r) Land, consume at sea, sell or p
sess, in or from the EEZ, king or Sp
ish mackerel harvested under a rec
ational allocation set forth in § 642

(b) or (d) after the bag limit for that recreational allocation has been reduced to zero under § 642.22(b).

(s) [Reserved]

(t) Operate a vessel in the EEZ with king mackerel, Spanish mackerel, or cobia aboard in excess of the cumulative bag limit applicable to the vessel, as specified in § 642.28(d).

(u) Transfer king mackerel, Spanish mackerel, or cobia at sea, as specified in § 642.28(e).

(v) Own or operate a charter vessel that fishes for coastal migratory pelagic fish in the EEZ without a permit as specified in § 642.4(a)(3).

(w) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part.

[48 FR 5272, Feb. 4, 1983, as amended at 50 FR 34845, Aug. 28, 1985; 51 FR 9661, Mar. 20, 1986; 52 FR 23839, 23841, June 25, 1987; 53 FR 24656, June 29, 1988; 54 FR 29564, July 13, 1989; 55 FR 29374, July 19, 1990]

§ 642.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 642.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 642.20 Seasons.

The fishing year for the Gulf migratory group of king mackerel for allocations and quotas begins on July 1 and ends on June 30. The fishing year for the Atlantic migratory groups of king and Spanish mackerel and the Gulf group of Spanish mackerel begins on April 1 and ends on March 31. The fishing year for all other coastal migratory pelagic fish begins on January 1 and ends on December 31.

[55 FR 29374, July 19, 1990]

§ 642.21 Allocations and quotas.

(a) *Commercial allocations and quotas for king mackerel.* (1) The commercial allocation for the Gulf migratory group of king mackerel is 1.36 million pounds per fishing year. This allocation is divided into quotas as follows:

(i) 0.94 million pounds for the eastern zone; and

(ii) 0.42 million pounds for the western zone.

(2) The commercial allocation for the Atlantic migratory group of king mackerel is 3.08 million pounds per fishing year. No more than 0.4 million pounds may be harvested by purse seines.

(3) A fish is counted against the commercial quota or allocation for the area where it is caught when it is first sold.

(b) *Recreational allocations for king mackerel.* (1) The recreational allocation for the Gulf migratory group of king mackerel is 2.89 million pounds per fishing year.

(2) The recreational allocation for the Atlantic migratory group of king mackerel is 5.22 million pounds per fishing year.

(c) *Commercial allocations for Spanish mackerel.* (1) The commercial allocation for the Gulf migratory group of Spanish mackerel is 2.99 million pounds per fishing year.

(2) The commercial allocation for the Atlantic migratory group of Spanish mackerel is 3.14 million pounds per fishing year.

(3) A fish is counted against the commercial allocation for the area where it is caught when it is first sold.

(d) *Recreational allocations for Spanish mackerel.* (1) The recreational allocation for the Gulf migratory group of Spanish mackerel is 2.26 million pounds per fishing year.

(2) The recreational allocation for the Atlantic migratory group of Spanish mackerel is 1.86 million pounds per fishing year.

(e) *Zones.* The boundary between the eastern and western zones established for the quotas under the commercial allocation of the Gulf migratory group of king mackerel in paragraph (a)(1) of this section is a line extending directly south from the Alabama/Florida boundary (87°31′06″ W. longitude) to the outer limit of the EEZ (Figure 2).

[52 FR 25013, July 2, 1987; 52 FR 33594, Sept. 4, 1987, as amended at 52 FR 36579, Sept. 30, 1987; 53 FR 25613, July 8, 1988; 54 FR 29565, July 13, 1989; 54 FR 30554, July 21, 1989; 54 FR 38528, Sept. 19, 1989; 55 FR 29374, July 19, 1990; 55 FR 31188, Aug. 1, 1990]

§ 642.22 Closures and bag limit reductions.

(a) The Secretary, by publication of a notice in the FEDERAL REGISTER, will close the king or Spanish mackerel commercial fishery in the EEZ for a particular migratory group or zone when the allocation or quota under § 642.21 (a) or (c) for that migratory group or zone has been reached or is projected to be reached. The notice of closure for an allocation or quota specified under § 642.21 (a) or (c) will also provide that the purchase, barter, trade, and sale of king or Spanish mackerel taken in the EEZ from the closed area after the closure is prohibited for the remainder of that fishing year. This prohibition does not apply to trade in Spanish or king mackerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by dealers or processors.

(b) The Secretary, after consulting with the Councils and by publication of a notice in the FEDERAL REGISTER, will reduce to zero the bag limit for the king or Spanish mackerel recreational fishery in the EEZ for a particular migratory group when the allocation under § 642.21 (b) or (d) for that migratory group has been reached or is projected to be reached and when that group is overfished. After such reduction, a king or Spanish mackerel caught in the EEZ from that group must be returned immediately to the sea, and possession of king or Spanish mackerel of that group in or from the EEZ on board a vessel in the recreational fishery is prohibited.

[52 FR 23840, June 25, 1987, as amended at 54 FR 29565, July 13, 1989]

§ 642.23 Size restrictions.

(a) *King and Spanish mackerel*—(1) *Minimum size.* The minimum size limit for the possession of king or Spanish mackerel in or taken from the EEZ is 12 inches (30.48 centimeters) fork length or 14 inches (35.56 centimeters) total length for both recreational and commercial fis
except for the incidental catch
ance under paragraph (a)(2) (
section.

(2) *Incidental catch allowanc*
catch of king mackerel under th
imum size limit is allowed in th
mercial fishery equal to five p
by weight of the total catch o
mackerel on board.

(ii) A catch of Spanish ma
under the minimum size limit
lowed in the commercial fishery
to five percent by weight of th
catch of Spanish mackerel on bo

(b) *Cobia.* The minimum siz
for the possession of cobia in or
from the EEZ is 33 inches (83.8
meters) fork length or 37 inches
centimeters) total length for bo
reational and commercial fisher

(c) *Head and fins intact.* A S
mackerel, king mackerel, or cob
sessed in the EEZ must have it
and fins intact and a Spanish m
el, king mackerel, or cobia take
the EEZ must have its head a
intact through landing. Such S
mackerel, king mackerel, or cob
be eviscerated but must other
maintained in a whole condition

[55 FR 29374, July 19, 1990]

§ 642.24 Vessel, gear, equipment
tions.

(a) *Prohibited gear*— (1) *Dri*
nets. The use of a drift gillnet
in the EEZ for coastal migrat
lagic fish is prohibited. A vessel
EEZ or having fished in the EE
a drift gillnet aboard may not
any coastal migratory pelagic fis

(2) *Other Gear.* (i) Fishing
prohibited for use in the EEZ
gratory groups of king and S
mackerel as follows:

(A) King mackerel Gulf mi
group—all gear other than ho
line and run-around gillnets.

(B) Spanish mackerel Gulf a
lantic migratory groups—purse

(ii) Except for the purse sei
dental catch allowance speci
paragraph (c) of this section, a
in the EEZ in an area speci
§ 642.29 for a migratory gro
having fished in the EEZ in su
with prohibited gear aboard m

possess any of the species for which that gear is prohibited.

(b) *Gillnets.* (1) *King mackerel.* The minimum allowable mesh size for a gillnet used to fish in the EEZ for king mackerel is 4¾ inches (12.07 centimeters) (stretched mesh). A vessel in the EEZ or having fished in the EEZ with a gillnet aboard that has a mesh size less than 4¾ inches (12.07 centimeters) (stretched mesh) may possess an incidental catch of king mackerel that does not exceed 10 percent of the total lawfully possessed catch by number of Spanish mackerel on board.

(2) *Spanish mackerel.* The minimum allowable mesh size for a gillnet used to fish in the EEZ for Spanish mackerel is 3½ inches (8.89 centimeters) (stretched mesh). A vessel in the EEZ or having fished in the EEZ with a gillnet aboard that has a mesh size less than 3½ inches (8.89 centimeters) may not possess any Spanish mackerel.

(c) *Purse seine incidental catch allowance.* A vessel in the EEZ or having fished in the EEZ with a purse seine aboard will not be considered as fishing or having fished for king or Spanish mackerel in violation of a prohibition of purse seines under paragraph (a)(2) of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 642.22(a), provided the catch of king mackerel does not exceed one percent or the catch of Spanish mackerel does not exceed 10 percent of the catch of all fish aboard the vessel. Incidental catch will be calculated by both number and weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the allocations and quotas provided for under § 642.21 (a) or (c) and are subject to the prohibition of sale under § 642.22(a).

[55 FR 29374, July 19, 1990]

§ 642.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[48 FR 5272, Feb. 4, 1983]

§ 642.26 Area, time limitations.

(a) *Notices in the Federal Register.* Subject to the procedures and restrictions set forth in paragraphs (b) and (c) of this section, the Secretary may take any of the following actions by notice in the FEDERAL REGISTER under the circumstances specified:

(1) If the Secretary determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in an area of the EEZ between 27°00.6′N. latitude and 27°50′N. latitude off the east coast of Florida, the Secretary may:

(i) Prohibit use of gillnet gear to take king mackerel within the areas (depicted in Figure 1 and described in Table 1) encompassed by points 1, 2, 5, and 6; 2, 3, 4, and 5; or 1, 2, 3, 4, 5, and 6;

TABLE 1

Point 1—Bethel Shoal light at 27°44.3′N. latitude, 80°10.4′W. longitude;

Point 2—A wreck 15 miles southeast of Fort Pierce Inlet at 27°23.5′N. latitude, 80°03.7′W. longitude;

Point 3—Marker WR 16, five miles northeast of Jupiter Inlet at 27°00.6′N. latitude, 80°02.6′W. longitude;

Point 4—27°00.6′N. latitude, 79°55.0′W. longitude at approximately the 100 fm. depth due east of Point 3;

Point 5—27°23.5′N. latitude, 79°54.0′W. longitude at approximately the 100 fm. depth due east of Point 2; and

Point 6—27°44.3′N. latitude, 79°53.5′W. longitude at approximately the 100 fm. depth due east of Point 1.

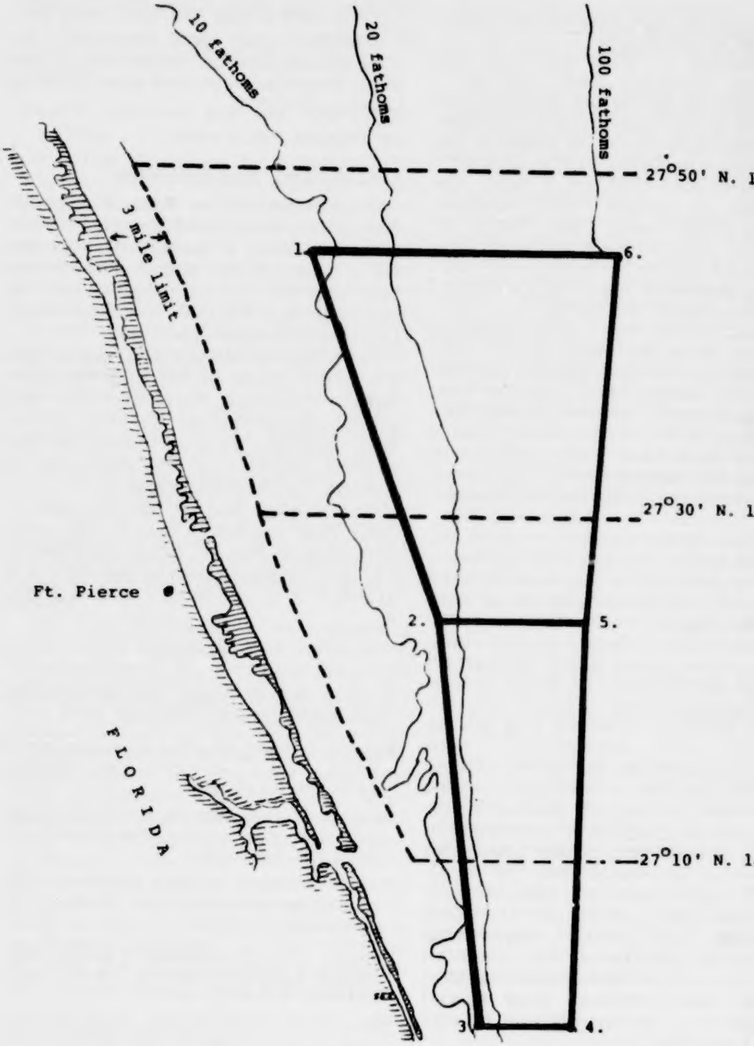

10 fathoms
20 fathoms
100 fathoms
27°50' N.
3 mile limit
1.
6.
27°30' N.
Ft. Pierce
2.
5.
FLORIDA
27°10' N.
3
4.

Figure 1. Area divisions under §642.26.

(ii) Prohibit use of hook-and-line gear to take king mackerel in the EEZ landward of a line between points 1 and 2, 2 and 3, or 1, 2, and 3;

(iii) In the first year a conflict arises, close the EEZ between 27°30′N. latitude and 27°10′N. latitude to the use of gillnets for taking king mackerel, and close the EEZ between 27°30′N. latitude and 27°50′N. latitude to the use of hook-and-line gear for taking king mackerel (in any succeeding year that a conflict develops, the Secretary may change the zone that is closed to each gear); or

(iv) Alternate daily the use of each gear within the area between 27°10′N. latitude and 27°50′N. latitude as follows:

(A) On even days of the month, close the area to the use of gillnet gear to take king mackerel.

(B) On odd days of the month, close the area to the use of hook-and-line gear to take king mackerel.

(2) If a conflict described in paragraph (a)(1) of this section results in death or serious bodily injury or significant gear loss, the Secretary may close the fishery for king mackerel to all users in the EEZ between 27°10′N. latitude and 27°50′N. latitude.

(b) *Procedures.* The Secretary shall use the following procedures in determining whether a conflict exists for which a notice in the FEDERAL REGISTER is appropriate:

(1) When the Secretary is advised by any person that a conflict exists, he will confirm the existence of such a conflict through information supplied him by NMFS, the U.S. Coast Guard, other appropriate law enforcement agencies, or personnel of the Florida agency with marine fishery management responsibility.

(2) The Secretary shall also confer with the Chairmen of the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils), the Florida agency with marine fishery management responsibility, and such other persons as the Secretary deems appropriate.

(c) *Restrictions on notices in the Federal Register.* (1) No notice in the FEDERAL REGISTER may be implemented which results in exclusive access of any user group or gear type to the fishery during the time the notice in the FEDERAL REGISTER is in effect.

(2) No notice in the FEDERAL REGISTER may be effective for more than five days, except under the conditions set forth in paragraph (c)(4) of this section.

(3) When the Secretary submits to the FEDERAL REGISTER a notice for implementation under this section, he will immediately arrange for a fact-finding meeting in the area of the conflict, to be convened no later than 72 hours from the time of implementation of the notice in the FEDERAL REGISTER.

(i) The following persons will be advised of such a meeting:

(A) The Chairmen of the Councils;

(B) The Florida agency with fishery management responsibility;

(C) Local media;

(D) Such user-group representatives or organizations as may be appropriate and practicable; and

(E) Other persons as deemed appropriate by the Secretary or as requested by the Chairmen of the Councils or the Florida agency.

(ii) The fact-finding meeting will be held for the purpose of evaluating the following:

(A) The existence of a conflict needing resolution by notice in the FEDERAL REGISTER;

(B) The appropriate term of the notice in the FEDERAL REGISTER, i.e., either greater or less than five days;

(C) Other possible solutions to the conflict besides Federal intervention; and

(D) Other relevant matters.

(4) If the Secretary determines, as a result of the fact-finding meeting, that the term of the notice in the FEDERAL REGISTER should exceed five days, he may, after consultation with the Chairmen of the Councils and the Florida agency, extend such notice in the FEDERAL REGISTER for a period not to exceed 30 days from the date of initial implementation. If the Secretary determines that it is necessary or appropriate for the term of such notice in the FEDERAL REGISTER to extend beyond 30 days, he may extend it a second time, after consulting with the Chairmen of the Councils, for such

period of time as necessary to resolve the conflict.

(5) The Secretary may rescind a notice in the FEDERAL REGISTER if he finds, through application of the same procedures set forth in paragraph (b) of this section, that the conflict no longer exists.

[48 FR 5272, Feb. 4, 1983, as amended at 50 FR 38538, Sept. 23, 1985; 52 FR 23841, June 25, 1987; 52 FR 36579, Sept. 30, 1987; 55 FR 29376, July 19, 1990]

§ 642.27 Stock assessment procedures.

(a) The Councils will appoint an assessment group (Group) that will assess the condition of each stock of king mackerel, Spanish mackerel, and cobia in the management unit on an annual basis. Such assessment will include determinations of overfished and overfishing. When a determination of overfishing is made for a stock, the group will develop and recommend appropriate ABC ranges for recovery periods consistent with a program to rebuild that stock. The Group will present a report of its assessment and recommendations to the Councils.

(b) The Councils will consider the report and recommendations of the Group and hold public hearings at a time and place of the Councils' choosing to discuss the Group's report. The Councils may convene the Advisory Panel and the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, the Councils will make findings on the need for changes.

(c) If changes are needed in MSYs, TACs, allocations, quotas, bag limits, or permits, the Councils will advise the Regional Director in writing of their recommendations, accompanied by the assessment group's report, relevant background material, and public comment. Recommendations for the Atlantic groups of king and Spanish mackerel will be the responsibility of the South Atlantic Fishery Management Council, and recommendations for the Gulf groups of king and Spanish mackerel will be the responsibility of the Gulf of Mexico Fishery Management Council. The Councils' reports will be submitted each year by such date as may be specified by the Councils.

(d) The Regional Director will review the Councils' recommendations, and any findings made under paragraphs (f)(4) (i) and (ii) of this section, supporting rationale, public comments, and other relevant information. In the event the Regional Director rejects a recommendation or finding, he will provide written reasons to the Councils for the rejection and existing regulations will remain in effect until the issue is resolved.

(e) If the Regional Director concurs that the Councils' recommendations are consistent with the goals and objectives of the FMP, the national standards, and other applicable law, the Regional Director will recommend that the Secretary publish notice in the FEDERAL REGISTER of any preliminary changes. A 15-day period for public comment will be afforded. After consideration of public comments, the Secretary may publish notice in the FEDERAL REGISTER of any final changes for that fishing year.

(f) Appropriate adjustments which may be implemented by the Secretary by notice in the FEDERAL REGISTER are:

(1) Adjustment of the point estimates of MSY for mackerel within the following ranges:

(i) King mackerel—21.9 million pounds to 35.2 million pounds.

(ii) Spanish mackerel—15.7 million pounds to 19.7 million pounds.

(2) Setting TACs for each stock or group of fish which should be managed separately, as identified in the FMP. A TAC may not exceed the upper level of ABC if it results in overfishing. No TAC will exceed the best point estimate of MSY by more than ten percent. Reductions or increases in allocations as a result of changes in TAC are to be as equitable as may be practicable, utilizing similar percentage changes to all participants in a fishery. (Changes in bag limits cannot always accommodate the exact desired level of change.)

(3) Implementing or modifying allocations, quotas, bag limits, or permits as necessary to limit the catch of each user group.

(4) Prohibiting the use of purse seines and run-around gillnets for Atlantic migratory group king mackerel.

Such prohibition may be implemented only when the Councils have found:

(i) That the Atlantic migratory group of king mackerel is in an overfished status, based on a conclusion of the Group and verified by the Councils' Scientific and Statistical Committees; and

(ii) That the commercial allocation of Atlantic migratory group king mackerel can be harvested by authorized gear other than purse seines and run-around gillnets.

[50 FR 34846, Aug. 28, 1985, as amended at 52 FR 23840, June 25, 1987; 55 FR 14837, Apr. 19, 1990; 55 FR 29375, July 19, 1990]

§ 642.28 Bag and possession limits.

(a) *King and Spanish mackerel*— (1) *Bag limits.* A person who fishes for king or Spanish mackerel from the Gulf or Atlantic migratory group in the EEZ, except a person fishing under a permit specified in § 642.4(a)(1) and an allocation specified in § 642.21 (a) or (c), or possessing the purse seine incidental catch allowance specified in § 642.24(d), is limited to the following:

(i) *King mackerel Gulf migratory group.* (A) Possessing three king mackerel per person per day, excluding the captain and crew, or possessing two king mackerel per person per day, including the captain and crew, whichever is the greater, when fishing from a charter vessel.

(B) Possessing two king mackerel per person per day when fishing from other vessels.

(ii) *King mackerel Atlantic migratory group.* (A) Possessing two king mackerel per person per day from the southern area.

(B) Possessing three king mackerel per person per day from the northern area.

(iii) *Spanish mackerel Gulf migratory group.* (A) Possessing five Spanish mackerel per person per trip from the eastern area.

(B) Possessing ten Spanish mackerel per person per trip from the central area.

(C) Possessing three Spanish mackerel per person per trip from the western area.

(iv) *Spanish mackerel Atlantic migratory group.* (A) Possessing five Spanish mackerel per person per trip from the southern area.

(B) Possessing ten Spanish mackerel per person per day from the northern area.

(2) *Multi-day possession limit.* A person subject to a bag limit specified in paragraph (a)(1) of this section may not possess in or from the EEZ during a single day, regardless of the number of trips or the duration of a trip, any king or Spanish mackerel in excess of such bag limit, except that a person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is aboard a charter vessel or headboat, and,

(i) The vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours, and

(ii) Each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(3) *Areas.* (i) For the purposes of paragraphs (a)(1) (ii) and (iv) of this section, the boundary between the northern and southern areas is a line extending directly east from the Georgia/Florida boundary (30°42′45.6″ N. latitude) to the outer limit of the EEZ.

(ii) For the purposes of paragraph (a)(1)(iii) of this section,

(A) The boundary between the eastern and central areas is a line extending directly south from the Alabama/Florida boundary (87°31′06″ W. longitude) to the outer limit of the EEZ (identical to the boundary between the eastern and western zones in the commercial fishery); and

(B) The boundary between the central and western areas is an extension of the boundary between Louisiana and Texas, namely, a line from point A (on the seaward limit of Texas' waters) at 29°32.1′ N. latitude, 93°47.7′ W. longitude to point B (on the outer limit of the EEZ) at 26°11.4′ N. latitude, 92°53′ W. longitude.

(4) *Fishing after a closure.* After a closure under § 642.22(a) is invoked for a commercial allocation or quota specified in § 642.21 (a) or (c), for the remainder of the fishing year specified in § 642.20:

(i) A vessel permitted under § 642.4(a)(1) to fish under a commercial allocation for mackerel may not fish under a bag limit specified in paragraph (a)(1) of this section for the closed species/migratory group/zone, except as provided for under paragraph (a)(4)(ii) of this section.

(ii) A charter vessel permitted to fish under a commercial allocation for mackerel may continue to harvest fish under a bag and possession limit specified in paragraphs (a) (1) and (2) of this section provided it is under charter and the recreational allocation for the respective migratory group of mackerel under § 642.21 (b) or (d) has not been reduced to zero under § 642.22(b).

(iii) The purchase, barter, trade, or sale of king or Spanish mackerel taken in the EEZ from the closed area is prohibited.

(b) *Cobia.* The daily bag and possession limit for cobia in or from the EEZ of the Gulf of Mexico and the Atlantic Ocean south of the Virginia/North Carolina border is two fish per person, without regard to whether or not the cobia are taken aboard a vessel with a commercial permit.

(c) *Combination of bag limits.* A person who fishes in the EEZ may not combine a bag or possession limit of this part with any bag or possession limit applicable to state waters.

(d) *Responsibility for bag and possession limits.* The operator of a vessel that fishes in the EEZ is responsible for the cumulative bag limit, based on the number of persons aboard, applicable to that vessel.

(e) *Transfer of fish.* A person for whom a bag or possession limit specified in this section applies may not transfer at sea king mackerel, Spanish mackerel, or cobia—

(1) Taken in the EEZ; or

(2) In the EEZ, regardless of where such king mackerel, Spanish mackerel, or cobia was taken.

[55 FR 29375, July 19, 1990, as amended 55 FR 31188, Aug. 1, 1990]

EFFECTIVE DATE NOTE: At 55 FR 311 Aug. 1, 1990, § 642.28 was amended by rev ing paragraphs (a)(1)(iii)(A) a (a)(1)(iv)(A), effective January 1, 1991. F the convenience of the user, the supersed text appears as follows:

§ 642.28 Bag and possession limits.

(a) * * *

(1) * * *

(iii) * * *

(A) Possessing four Spanish mackerel p person per day from the eastern area.

* * * * *

(iv) * * * (A) Possessing four Spani mackerel per person per day from th southern area.

§ 642.29 Area and time separation.

(a) *King mackerel*—(1) *Summer sep ration.* During the summer perio (April 1 through October 31) th boundary separating the Gulf and At lantic migratory groups of king mack erel is a line extending directly wes from the Monroe/Collier County Florida boundary (25°48′ N. latitude to the outer limit of the EEZ (Figur 2).

(2) *Winter separation.* During th winter period (November 1 throug March 31) the boundary separatin the Gulf and Atlantic migrator groups of king mackerel is a line ex tending directly east from the Volu sia/Flagler County, Florida boundar (29°25′ N. latitude) to the outer limi of the EEZ (Figure 2).

(b) *Spanish mackerel.* The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4′ N. latitude) to the outer limit of the EEZ.

[52 FR 23841, June 25, 1987]

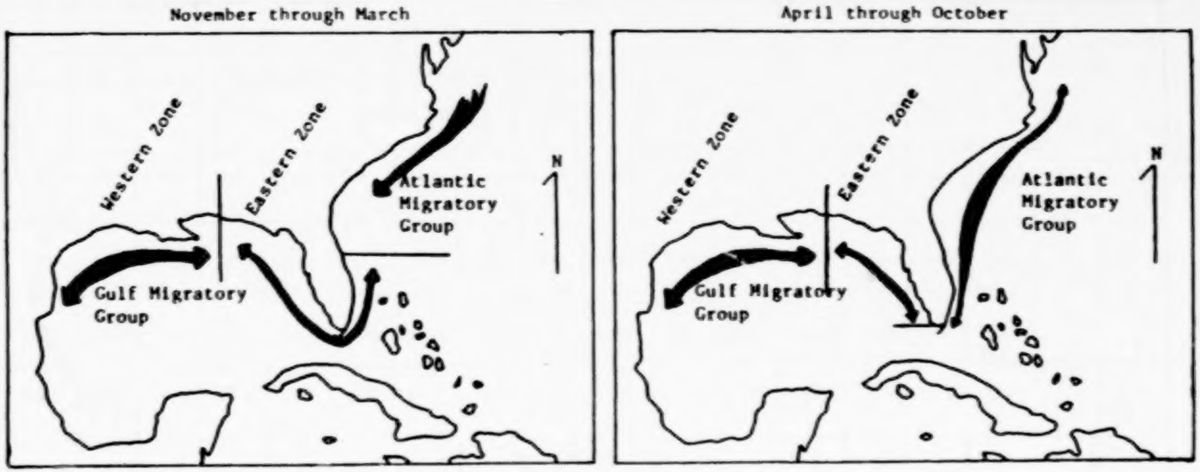
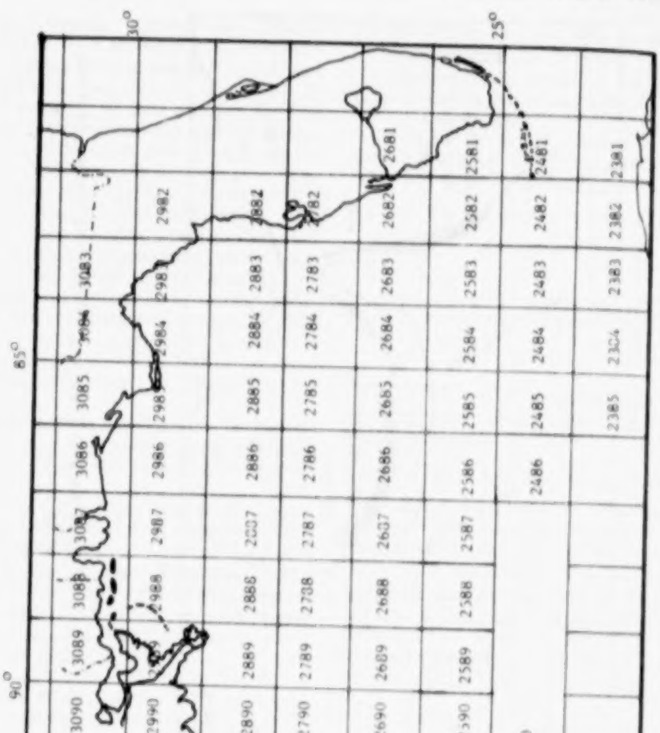
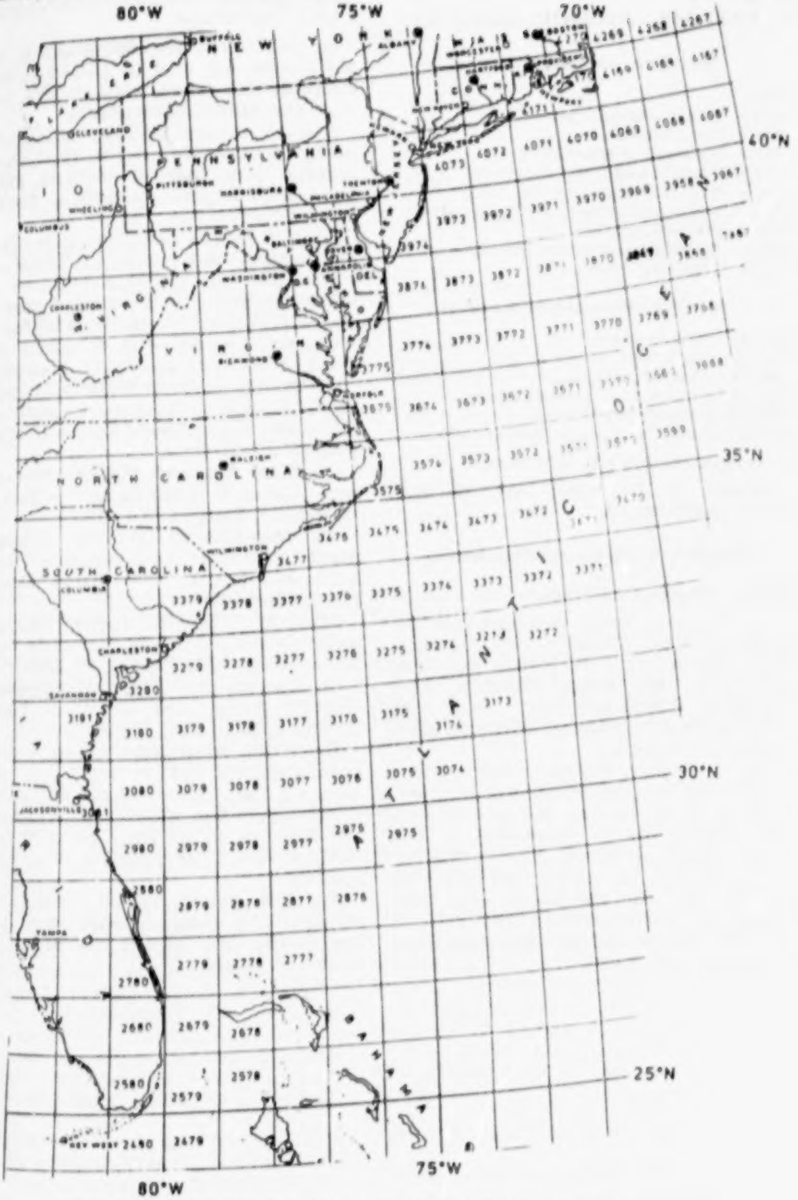

November through March
Western Zone
Eastern Zone
Atlantic Migratory Group
Gulf Migratory Group
N
April through October
Western Zone
Eastern Zone
Atlantic Migratory Group
Gulf Migratory Group
N

Figure 2. Range of Gulf and Atlantic migratory groups of king mackerel during winter and summer periods and commercial allocation zones for Gulf group king mackerel.

FIGURE 3 - STATISTICAL GRIDS FOR REPORTING THE HARVEST OF COASTAL MIGRATORY PELAGIC FISH


30°
85°
90°
95°
25°
3083
3084
3085
3086
3087
3088
3089
3090
2982
2984
2986
2987
2988
2990
2992
2993
2995
2882
2883
2884
2885
2886
2887
2888
2889
2890
2891
2892
2893
2894
2895
2896
2897
2782
2783
2784
2785
2786
2787
2788
2789
2790
2791
2792
2793
2794
2795
2796
2681
2682
2683
2684
2685
2686
2687
2688
2689
2690
2691
2692
2693
2694
2695
2696
2581
2582
2583
2584
2585
2586
2587
2588
2589
2590
2591
2592
2593
2594
2595
2596
2597
2481
2482
2483
2484
2485
2486
2381
2382
2383
2384
2385
GULF OF MEXICO
N

STATISTICAL GRIDS IN THE GULF OF MEXICO


80°W
75°W
70°W
40°N
35°N
30°N
25°N
75°W
80°W
NEW YORK
PENNSYLVANIA
OHIO
W. VIRGINIA
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
BUFFALO
ALBANY
BOSTON
WORCESTER
HARTFORD
PROVIDENCE
NEW HAVEN
CLEVELAND
PITTSBURGH
HARRISBURG
TRENTON
PHILADELPHIA
WHEELING
COLUMBUS
WILMINGTON
BALTIMORE
WASHINGTON
DOVER
ANNAPOLIS
DEL.
CHARLESTON
RICHMOND
NORFOLK
RALEIGH
WILMINGTON
COLUMBIA
CHARLESTON
SAVANNAH
JACKSONVILLE
TAMPA
KEY WEST
4269 4268 4267
4169 4168 4167
4171 4073 4072 4071 4070 4069 4068 4067
3973 3972 3971 3970 3969 3968 3967
3974 3873 3872 3871 3870 3869 3868 3867
3874 3873 3872 3871 3870 3869 3868
3775 3774 3773 3772 3771 3770 3769 3768
3675 3674 3673 3672 3671 3670 3669 3668
3576 3575 3573 3572 3571 3570 3569
3575 3476 3475 3474 3473 3472 3471 3470
3477 3376 3375 3374 3373 3372 3371
3379 3378 3377 3376 3375 3374 3373 3372
3280 3279 3278 3277 3276 3275 3274 3273 3272
3181 3180 3179 3178 3177 3176 3175 3174 3173
3081 3080 3079 3078 3077 3076 3075 3074
2980 2979 2978 2977 2976 2975
2880 2879 2878 2877 2876
2780 2779 2778 2777
2680 2679 2678
2580 2579 2578
2480 2479
OCEAN

STATISTICAL GRIDS FOR THE SOUTH ATLANTIC AND MID-ATLANTIC

[50 FR 34847, Aug. 28, 1985. Redesignated at 51 FR 9662, Mar. 20, 1986, and amended at 51 FR 11311, Apr. 2, 1986; 52 FR 23841, June 25, 1987; 55 FR 29377, July 19, 1990]

PART 644—ATLANTIC BILLFISHES

Subpart A—General Provisions

Sec.
644.1 Purpose and scope.
644.2 Definitions.
644.3 Relation to other laws.
644.4 Permits and fees. [Reserved]
644.5 Recordkeeping and reporting.
644.6 Vessel identification. [Reserved]
644.7 Prohibitions.
644.8 Facilitation of enforcement.
644.9 Penalties.

Subpart B—Management Measures

644.20 Fishing year.
644.21 Size limits.
644.22 Gear limitations.
644.23 Incidental catch restrictions.
644.24 Restrictions on sale.
644.25 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 53 FR 37769, Sept. 28, 1988, unless otherwise noted.

Subpart A—General Provisions

§ 644.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for Atlantic Billfishes prepared jointly by the South Atlantic, New England, Mid-Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils.

(b) This part regulates fishing for billfish by a person fishing on, and possession of billfish by, a vessel of the United States shoreward of the outer boundary of the EEZ in the Atlantic Ocean (including the Gulf of Mexico and the Caribbean Sea), and regulates the possession and sale in any State of a billfish harvested from its management unit.

§ 644.2 Definitions.

In addition to the definitions in th Magnuson Act and in § 620.2 of th chapter, the terms used in this pa have the following meanings:

Billfish means sailfish, *Istiophor platypterus;* white marlin, *Tetraptur albidus;* blue marlin, *Makaira nigr cans,* and longbill spearfish, *Tetrap turus pfluegeri.*

Billfish tournament means any fishing competition involving billfish i which participants must register o otherwise enter or in which a prize o award is offered for catching billfish.

Councils means the following Regional Fishery Management Councils:

(a) South Atlantic Fishery Management Council, Southpark Building Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699;

(b) New England Fishery Management Council, Suntaug Office Park, Broadway, Saugus, MA 01906;

(c) Mid-Atantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover DE 19901-6790;

(d) Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 881, Tampa, FL 33609;

(e) Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, PR 00918-2577.

Drift net, sometimes called a drift entanglement net or drift gill net means a flat, unmoored net suspended vertically in the water that entangles the head or other body parts of fish that attempt to pass through the meshes.

Eye-fork length (*EFL*) means the straight-line measurement from the eye to the fork of the caudal fin, as shown in figure 1.

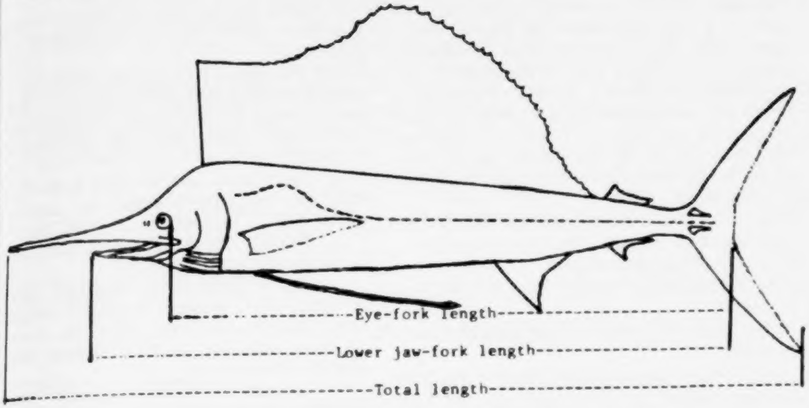


Figure 1. Billfish length measurements.

Lower jaw-fork length (*LJFL*) means the straight-line measurement from the tip of the lower jaw to the fork of the caudal fin, as shown in figure 1.

Management unit means—

(a) For blue marlin and white marlin, the waters of the North Atlantic Ocean (including the Gulf of Mexico and the Caribbean Sea) north of 5°N. latitude;

(b) For sailfish, the waters of the North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea) west of 30°W. longitude; and

(c) For longbill spearfish, the waters of the entire North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea).

Pelagic longline means a type of fishing gear consisting of a length of line suspended horizontally in the water above the bottom from lines attached to surface floats and to which gangions (leaders) and hooks are attached.

Regional Director means the Director, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, telephone 813-893-3141, or a designee.

Rod and reel means a hand-held (includes rod holder) fishing rod with a manually or electrically operated reel attached.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Total length (*TL*) means the straight-line measurement from the tip of the upper jaw to the plane of the more extended tip of the caudal fin when in its natural position, as shown in figure 1.

§ 644.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Regulations governing fishing in the EEZ by vessels other than vessels of the United States appear at 50 CFR part 611, subpart A, and §§ 611.60 and 611.61.

§ 644.4 Permits and fees. [Reserved]

§ 644.5 Recordkeeping and reporting.

A person conducting a billfish tournament from a port in an Atlantic, Gulf of Mexico, or Caribbean State, and who is selected by the Science and

Research Director, must maintain and submit a fishing record on forms available from the Science and Research Director for each day of fishing in the tournament. Forms must be submitted so as to be received by the Science and Research Director within 10 days of the conclusion of the tournament and must be accompanied by a copy of the tournament rules.

(a) The following information must be included on each form:

(1) Tournament name;

(2) Recorder's name and telephone number;

(3) Date for which the information is recorded;

(4) Hours fished (time from first line in the water to last line out of the water);

(5) Name of each vessel fishing that day;

(6) For each vessel listed, the species of each billfish boated or released;

(7) The weight and length of each billfish brought ashore;

(8) The name, address, and signature of the tournament director; and

(9) The date signed.

(b) In addition to the information required to be reported by paragraph (a) of this section, the following information is desired, but is not mandatory:

(1) Prevailing weather conditions on the day reported, such as wind speed and direction, and sea height and direction; and

(2) Whether a tag was attached before the billfish was released.

(Approved by the Office of Management and Budget under control number 0648–0031)

§ 644.6 Vessel identification. [Reserved]

§ 644.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Falsify or fail to report information required to be submitted, as specified in § 644.5.

(b) Possess a billfish less than the minimum size limit specified in § 644.21(a).

(c) Fail to release a billfish in th manner specified in § 644.21(b) c § 644.23.

(d) Possess or retain a billfish by vessel with a pelagic longline or dri net aboard or harvested by gear othe than rod and reel, as specified i § 644.22.

(e) Purchase, barter, trade, or sell billfish harvested from its management unit, as specified in § 644.24(a).

(f) Falsify information submitted i accordance with § 644.24(b).

(g) As a commercial seafood deale or processor, possess a billfish withou the documentation, or with incomplete or falsified documentation, specified in § 644.24(b).

(h) Interfere with, obstruct, delay or prevent by any means an investigation, search, seizure, or disposition o seized property in connection with enforcement of the Magnuson Act.

(Information collection requirements i paragraph (g) were approved by the Offic of Management and Budget under contro number 0648–0216)

[53 FR 37769, Sept. 28, 1988, as amended a 54 FR 14239, Apr. 10, 1989]

§ 644.8 Facilitation of enforcement.

See § 620.8 of this chapter.

§ 644.9 Penalties.

See § 620.9 of this chapter.

Subpart B—Management Measures

§ 644.20 Fishing year.

The fishing year is January 1 through December 31.

§ 644.21 Size limits.

(a) The following minimum size limits, expressed in terms of lower jaw-fork length (LJFL), apply for the possession of billfish:

(1) Blue marlin—86 in.

(2) White marlin—62 in.

(3) Sailfish—57 in.

(4) Longbill spearfish—no minimum size.

(b) A billfish under the minimum size limit must be released by cutting the line near the hook without removing the fish from the water.

(c) The following approximations of the minimum size limits for blue marlin, white marlin, and sailfish, expressed in terms of EFL, LJFL, TL, and whole, live weight, are provided for the convenience of fishermen. These approximations may not be substituted for the minimum size limits expressed in terms of LJFL specified in paragraph (a) of this section.

	Eye-fork length (in.)	Lower jaw-fork length (in.)	Total length (in.)	Whole, live wt. (lbs.)
Blue marlin	75	86	110	200
White marlin	53	62	81	50
Sailfish	49	57	76	30

§ 644.22 Gear limitations.

(a) The possession or retention shoreward of the outer boundary of the EEZ of a billfish harvested by gear other than rod and reel is prohibited.

(b) The possession or retention shoreward of the outer boundary of the EEZ of a billfish by a vessel with a pelagic longline or drift net aboard is prohibited.

§ 644.23 Incidental catch restrictions.

A billfish harvested by gear other than rod and reel shoreward of the outer boundary of the EEZ must be released in a manner that will ensure maximum probability of survival. A billfish caught by a pelagic longline shoreward of the outer boundary of the EEZ must be released by cutting the line near the hook without removing the fish from the water.

§ 644.24 Restrictions on sale.

(a) A billfish harvested from its management unit may not be purchased, bartered, traded, or sold in any State.

(b) Except for a billfish landed in a Pacific State and remaining in the State of landing, a billfish that is possessed by a seafood dealer or processor will be presumed to have been harvested from its management unit unless it is accompanied by documentation that it was harvested from outside its management unit. Such documentation must contain the following:

(1) The information specified in 50 CFR Part 246 for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(2) The name and home port of the vessel harvesting the billfish;

(3) The port and date of offloading from the vessel harvesting the billfish; and

(4) A statement signed by the dealer attesting that each billfish was harvested from an area other than its management unit.

(Information collection requirements in paragraph (b) were approved by the Office of Management and Budget under control number 0648-0216)

[53 FR 37769, Sept. 28, 1988, as amended at 54 FR 14239, Apr. 10, 1989]

§ 644.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

PART 645—SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Subpart A—General Provisions

Sec.
645.1 Purpose and scope.
645.2 Definitions.
645.3 Relation to other laws.
645.4 Permits.
645.5 Recordkeeping and reporting. [Reserved]
645.6 Vessel and gear identification.
645.7 Prohbitions.
645.8 Facilitation of enforcement.
645.9 Penalties.

Subpart B—Management Measures

645.20 Harvest limitations.
645.21 Size limitations.
645.22 Gear limitations
645.23 Specifically authorized activities.

AUTHORITY: 16 U.S.C 1801 *et seq.*

SOURCE: 49 FR 50050, Dec. 26, 1984, unless otherwise noted.

Subpart A—General Provisions

§ 645.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands prepared by the Caribbean Fishery Management Council under the Magnuson Act.

(b) This part regulates domestic fishing for spiny lobster within that portion of the EEZ surrounding Puerto Rico and the U.S. Virgin Islands. For Puerto Rico the inner boundary of the EEZ is nine nautical miles from the baseline used to measure the territorial sea; for the U.S. Virgin Islands it is three nautical miles.

[49 FR 50050, Dec. 26, 1984, as amended at 53 FR 24660, June 29, 1988]

§ 645.2 Definitions.

In addition to the definition Magnuson Act and in § 620.2 chapter, the terms used in th have the following meanings:

Berried lobster means an egg- lobster.

Carapace length (CL) means length measurement taken fr orbital notch inside the orbita in a line parallel to the lateral sulcus, to the posterior margin cephalothorax (figure 1).

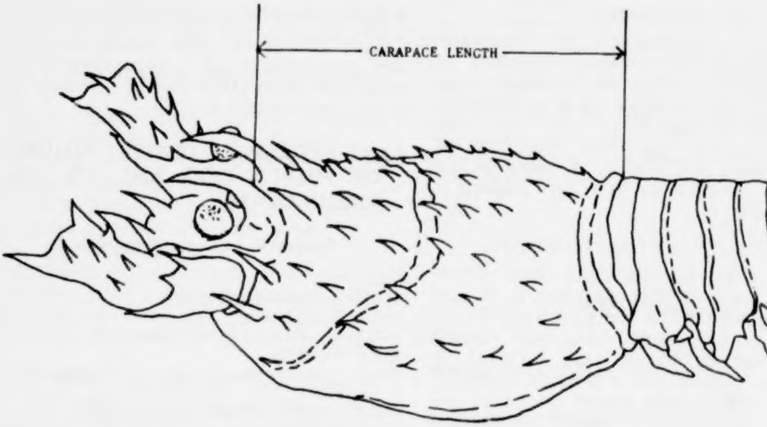


Figure 1 Method of Measuring Carapace Length

Fishing gear means snares, nets, pots, traps, and use of hands.

Management area means that portion of the EEZ adjacent to the waters under the jurisdiction of the U.S. Virgin Islands and Puerto Rico.

Regional Director means the Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813-893-3141, or a designee.

Spiny lobster means *Pa argus.*

[49 FR 50050, Dec. 26, 1984, as ame 53 FR 24655, 24660, June 29, 1988]

§ 645.3 Relation to other laws.

The relation of this part to laws is set forth in § 620.3 of this ter.

[53 FR 24655, June 29, 1988]

§ 645.4 Permits.

(a) *General.* A vessel in the spiny lobster fishery must possess a valid fishing permit and color code issued by the Regional Director, unless the vessel possesses a valid fishing permit and color code issued by the Government of Puerto Rico or the Government of the Virgin Islands.

(b) *Application to the Regional Director.* (1) An application for a Federal permit and color code must be submitted to the Regional Director 45 days prior to the date on which the applicant desires receipt of the permit and color code.

(2) Each application must contain the following information:

(i) The applicant's name, mailing address, and telephone number;

(ii) The name and length of the vessel;

(iii) The vessel's official number; and

(iv) The vessel's radio call sign.

(c) *Fees.* No fee is required for a permit or color code issued by the Regional Director under this part.

(Approved by the Office of Management and Budget under control number 0648-0205)

[49 FR 50050, Dec. 26, 1984, as amended at 54 FR 23663, June 2, 1989]

§ 645.5 Recordkeeping and reporting. [Reserved]

§ 645.6 Vessel and gear identification.

(a) *Vessel identification.* Each fishing vessel subject to this part must display its official number and color code issued with the vessel's permit on the port and starboard sides of the deckhouse or hull. In addition, each vessel over 25 feet long must display its official number and color code on an appropriate weather deck. All official numbers and color codes must be displayed permanently and conspicuously so as to be readily identifiable from the air and water. The number must contrast with the background and be in block Arabic numerals at least 18 inches high for vessels over 65 feet long, at least 10 inches high for vessels over 25 feet long, and at least 3 inches high for vessels 25 feet long or smaller. The color code representation must be in the form of a circle of a diameter not less than the height of the numerals or, in the case of a 3-inch high numerals, in the form of a strip not less than 3 inches high and 18 inches long.

(b) *Duties of operator.* The operator of each fishing vessel subject to this part must (1) Keep the markings displaying the official number and color code clearly legible and in good repair; and (2) Insure that no part of the vessel, its rigging or its fishing gear obstructs the view of the official number and color code from an enforcement vessel or aircraft.

(c) *Gear identification.* (1) All traps, pots, and buoys used in the spiny lobster fishery must be marked and identified as follows:

(i) Buoys affixed to traps and pots must bear the number and color code specified with the vessel's permit. The identification number must be legible and at least 3 inches high on each buoy.

(ii) Traps and pots must bear the number specified with the vessel's permit. The number must be legible and at least 3 inches high, or as high as the widest available space if such space is less than 3 inches wide. As an alternative, the number may be stamped on a plate of non-corrosive metal or plastic and securely affixed to the trap or pot.

(2) Spiny lobster traps, pots, and buoys fished in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to spiny lobster traps which are lost or sold if the owner of such traps reports in writing the loss or sale within 15 days to the Regional Director, the Government of Puerto Rico, or the Government of the U.S. Virgin Islands, whichever entity issued the vessel's permit.

(3) Unmarked spiny lobster traps deployed in the EEZ are illegal and may be disposed of in any appropriate manner by the Secretary or the Secretary's designee (including an authorized officer). Lines and buoys are considered part of the trap. If owners of the unmarked traps can be ascertained, those owners remain subject to appropriate civil penalties.

(Approved by the Office of Management and Budget under control number 0648-0205)

[49 FR 50050, Dec. 26, 1984, as amended at 53 FR 24660, June 29, 1988; 54 FR 23663, June 2, 1989]

§ 645.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Falsify or fail to affix and maintain gear and vessel markings as required by § 645.6.

(b) Retain on board or possess on land any berried spiny lobster, as specified in § 645.20(a)(1).

(c) Strip eggs from or otherwise molest any berried spiny lobster as specified in § 645.20(a)(2).

(d) Willfully tend, pull, open, or otherwise molest another person's traps except as provided in § 645.20(b).

(e) Possess in the EEZ any spiny lobster with a carapace length less than the minimum size limit specified in § 645.21(a) except as allowed in § 645.21(b).

(f) Possess spiny lobster tails separated from the carapace before they have been landed, as specified in § 645.21(c).

(g) Use traps without degradable panels, or use prohibited gear or methods, as specified in § 645.22.

[49 FR 50050, Dec. 26, 1984, as amended at 53 FR 24656, June 29, 1988]

§ 645.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 645.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 645.20 Harvest limitations.

(a) *Berried lobsters.* (1) Berried spiny lobsters must be returned to the water unharmed. Berried lobsters may be retained in traps or pots as attractants until the eggs are shed provided the traps are returned to the water and not retained on the vessel or landed.

(2) Berried spiny lobsters may
stripped, scraped, shaved, clip
in any other manner moles
order to remove the eggs.

(b) *Pulling traps.* Traps n
pulled, tended, or opened only
the owner's vessel, unless th
tending another person's traps
board written consent of th
owner or the owner is on boa
his or her permit. This restri
not applicable to authorized off

§ 645.21 Size limitations.

(a) Spiny lobsters with a c
length of less than 3.5 inches (
meters) must be returned imm
to the water unharmed.

(b) Spiny lobsters with a c
length less than the 3.5-inch m
sized limit may be used as
tants" in traps or pots, but may
retained on the vessel or landed

(c) Spiny lobsters must
whole prior to landing at sh
Tails may not be separated fr
carapace before the spiny
have been landed.

§ 645.22 Gear limitations.

(a) *Degradable panel.* All t
pots used for fishing in the EE
contain on any vertical side or
top an opening no smaller in d
than the throat or entrance
trap or pot. The opening may
ered either by degradable
made of any of the material
below, or by a cover made of an
rial and fastened to the fish
pot with any of the material
below:

(1) Untreated fiber of bi
origin not more than three mil
(approximately ⅛") maximum
ter; this includes, but is not lin
tyre palm, hemp, jute, cotton,
silk.

(2) Non-galvanized black ir
not more than 1/16 inch (approx
1.59 millimeters in diameter);
16 gauge wire.

(b) *Prohibited gear or m*
Spiny lobsters may not be take

(1) Explosives, poisons, dr
other chemicals; or

(2) Spears, hooks, or similar
The possession of a speared,

or punctured spiny lobster is *prima facie* evidence of violation of this section.

[49 FR 50050, Dec. 26, 1984, as amended at 53 FR 24660, June 29, 1988]

§ 645.23 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities that are otherwise prohibited by these regulations.

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Subpart A—General Provisions

Sec.
646.1 Purpose and scope.
646.2 Definitions.
646.3 Relationship to other laws.
646.4 Catch monitoring.
646.5 Vessel and gear identification.
646.6 Prohibitions.
646.7 Facilitation of enforcement.
646.8 Penalties.

Subpart B—Management Measures

646.20 Harvest limitations.
646.21 Size limitations.
646.22 Gear limitations.
646.23 Specifically authorized activities.
646.24 Area limitations.
646.25 Wreckfish limitations. (Eff. through 11-1-90)

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 646.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic prepared by the South Atlantic Fishery Management Council under the Magnuson Act.

(b) This part governs conservation and management of fish in the snapper-grouper fishery in the South Atlantic EEZ.

[48 FR 39466, Aug. 31, 1983, as amended at 52 FR 9866, Mar. 27, 1987; 54 FR 1722, Jan. 17, 1989]

§ 646.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Authorized statistical reporting agent means:

(a) Any person so designated by the Science and Research Director; or

(b) Any person so designated by the head of any Federal or State agency which has entered into an agreement with the Secretary to collect fishery data.

Black sea bass trap means a fish trap that harvests or contains at any time no more than 25 percent by number of fish in the snapper-grouper fishery other than black sea bass.

Commercial fisherman means a person who sells, trades, or barters any part of his or her catch of fish.

Fish in the snapper-grouper fishery means the following species:

Snappers—Lutjanidae

Black snapper—*Apsilus dentatus*
Queen snapper—*Etelis oculatus*
Mutton snapper—*Lutjanus analis*
Schoolmaster—*Lutjanus apodus*
Blackfin snapper—*Lutjanus buccanella*
Red snapper—*Lutjanus campechanus*
Cubera snapper—*Lutjanus cyanopterus*
Gray snapper—*Lutjanus griseus*
Mahogany snapper—*Lutjanus mahogoni*
Dog snapper—*Lutjanus jocu*
Lane snapper—*Lutjanus synagris*
Silk snapper—*Lutjanus vivanus*
Yellowtail snapper—*Ocyurus chrysurus*
Vermilion snapper—*Rhomboplites aurorubens*

Sea Basses—Serranidae

Bank sea bass—*Centropristis ocyurus*
Rock sea bass—*Centropristis philadelphica*
Black sea bass—*Centropristis striata*

Groupers—Serranidae

Rock hind—*Epinephelus adscensionis*
Graysby—*Epinephelus cruentatus*
Speckled hind—*Epinephelus drummondhayi*
Yellowedge grouper—*Epinephelus flavolimbatus*
Coney—*Epinephelus fulvus*
Red hind—*Epinephelus guttatus*
Jewfish—*Epinephelus itajara*
Red grouper—*Epinephelus morio*
Misty grouper—*Epinephelus mystacinus*
Warsaw grouper—*Epinephelus nigritus*
Snowy grouper—*Epinephelus niveatus*
Nassau grouper—*Epinephelus striatus*
Black grouper—*Mycteroperca bonaci*
Yellowmouth grouper—*Mycteroperca interstitialis*
Gag—*Mycteroperca microlepis*
Scamp—*Mycteroperca phenax*
Tiger grouper—*Mycteroperca tigris*
Yellowfin grouper—*Mycteroperca venenosa*

Porgies—Sparidae

Sheepshead—*Archosargus probatocephalus*
Grass porgy—*Calamus arctifrons*
Jolthead porgy—*Calamus bajonado*
Saucereye porgy—*Calamus calamus*
Whitebone porgy—*Calamus leucosteus*
Knobbed porgy—*Calamus nodosus*
Red porgy—*Pagrus pagrus*
Longspine porgy—*Stenotomus caprinus*
Scup—*Stenotomus chrysops*

Grunts—Haemulidae

Black margate—*Anisotremus surinamensis*
Porkfish—*Anisotremus virginicus*
Margate—*Haemulon album*
Tomtate—*Haemulon aurolineatum*
Smallmouth grunt—*Haemulon chrysargyreum*
French grunt—*Haemulon flavolineatum*
Spanish grunt—*Haemulon macrostomum*
Cottonwick—*Haemulon melanurum*
Sailors choice—*Haemulon parrai*
White grunt—*Haemulon plumieri*
Blue stripe grunt—*Haemulon sciurus*

Tilefishes—Malacanthidae

Blueline tilefish—*Caulolatilus microps*
Tilefish (Golden)—*Lopholatilus chamaeleonticeps*
Sand tilefish—*Malacanthus plumieri*

Triggerfishes—Balistidae

Gray triggerfish—*Balistes capriscus*
Queen triggerfish—*Balistes vetula*
Ocean triggerfish—*Canthidermis sufflamen*

Wrasses—Labridae

Hogfish—*Lachnolaimus maximus*
Puddingwife—*Halichoeres radiatus*

Jacks—Carangidae

Yellow jack—*Caranx bartholomaei*
Blue runner—*Caranx crysos*
Crevalle jack—*Caranx hippos*
Bar jack—*Caranx ruber*
Greater amber jack—*Seriola dumerili*
Almaco jack—*Seriola rivoliana*

Fish trap means any trap and the component parts thereof used for or capable of taking finfish, regardless of the construction material, except those traps historically used in the directed fisheries for crustaceans (blue crab, stone crab, and spiny lobster). Fish trap further means those traps used to fish for black sea bass.

Powerhead means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, which fires a projectile upon contact.

Regional Director means the Regional Director, or a designee, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813-893-3141.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

South Atlantic means that portion of the EEZ along the Atlantic coastal states south of the Viriginia/North Carolina border to the boundary between the Gulf of Mexico and the Atlantic Ocean. The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the outer boundary of the EEZ and 83°00′ W. longitude, proceeds north to 24°35′ N. latitude (Dry Tortugas), east to Marquesas Key, then through the Florida Keys to the mainland.

Total length means distance from the tip of the head (snout) to the furthermost tip of the tail (caudal fin).

[48 FR 39466, Aug. 31, 1983, as amended at 50 FR 38819, Sept. 25, 1985; 52 FR 9865, 9866, Mar. 27, 1987; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988; 54 FR 1722, Jan. 17, 1989]

EFFECTIVE DATE NOTE: At 55 FR 32259, Aug. 8, 1990, an emergency interim rule was issued amending § 646.2 by adding a new family and species after the listing of Snappers—Lutjanidae, in the definition of *Fish in the snapper-grouper fishery* and by adding a new definition of *Trip*, effective from August 3, 1990 through November 1, 1990. For the convenience of the user, the emergency interim rule appears below.

§ 646.2 Definitions.

* * * * *

Fish in the snapper-grouper fishery means the following species:

* * * * *

Temperate basses

Percichthyidae Wreckfish—*Polyprion americanus*

* * * * *

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

§ 646.3 Relationship to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) These regulations are intended to apply within the EEZ portion of the following National Marine Sanctuaries and National Park unless regulations establishing such Sanctuaries or Park prohibit their application.

(1) Looe Key National Marine Sanctuary (15 CFR part 937);

(2) Key Largo Coral Reef Marine Sanctuary (15 CFR part 929);

(3) Biscayne National Park (Title 16 U.S.C. 410gg);

(4) Gray's Reef National Marine Sanctuary (15 CFR part 938); and

(5) Monitor Marine Sanctuary (15 CFR part 924).

[48 FR 39466, Aug. 31, 1983, as amended at 52 FR 9866, Mar. 27, 1987; 53 FR 24655, June 29, 1988]

§ 646.4 Catch monitoring.

Data will be collected by authorized statistical reporting agents from a sample of commercial and recreational catch. Fishermen and dealers selected by the Science and Research Director must make their fish available for inspection by those agents.

[48 FR 39466, Aug. 31, 1983, as amended at 53 FR 38294, Sept. 30, 1988; 54 FR 1722, Jan. 17, 1989]

§ 646.5 Vessel and gear identification.

(a) *Applicability.* Fishing vessels from which fish traps, other than black sea bass traps, are deployed in the EEZ are required to obtain a vessel and gear identification number and color code from the Regional Director.

(b) *Application.* (1) An application for a vessel and gear identification number and color code under this part must be signed by the owner or operator of the vessel and submitted on an appropriate form obtained from the Regional Director. Fishermen who have an existing number and color code from another fishery may indicate on the application their preference to use that same identification system for the fish trap fishery. Whenever possible, the Regional Director will reissue the requested number and color code adding only a single letter prefix to indicate that the vessel and gear are engaged in the fish trap fishery. The application must be submitted to the Regional Director 30 days prior to the date on which the applicant desires receipt of the vessel and gear identification number and color code.

(2) Applicants must provide all of the following information:

(i) Name, mailing address including ZIP code, and telephone number of the owner of the vessel;

(ii) Name of the vessel;

(iii) The vessel's official number;

(iv) Home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(v) Engine horsepower and year the vessel was built;

(vi) Number, dimensions, and estimated cubic volume of the fish traps that will be fished;

(vii) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(viii) A statement that the applicant will allow authorized officers reasonable access to his property (vessel and dock) to inventory fish traps for compliance with these regulations.

(3) Any change in the information specified in this paragraph must be submitted in writing to the Regional Director by the applicant within 15 days of any such change. Failure to notify the Regional Director of any change in the required information will result in a rebuttable presumption that the information is still accurate and current.

(c) *Issuance.* The Regional Director will issue a color code, vessel and gear identification number, and fish trap tags imprinted with the vessel and gear identification number to the applicant not later than 30 days from the date of receipt of a completed application.

(d) *Display.* Vessels from which fish traps, other than black sea bass traps, are fished; fish traps; and buoys must display the identification number and color code designated by the Regional Director.

(1) *Vessels.* Vessels must permanently and conspicuously display the iden-

tification number and color code designated by the Regional Director under paragraph (c) of this section in a manner so as to be readily identifiable from the air and water.

(i) To be visible from the air, the identification number and color code must be permanently affixed to the uppermost structural portion of the vessel or other similar area. The color code must be in the form of a circle at least 20 inches in diameter, and the areas surrounding the circle must be of a contrasting color. The identification number must be at least 10 inches in height and must be affixed adjacent to the 20-inch diameter circle.

(ii) To be visible from the water, the identification number and color code must be permanently affixed to both starboard and port sides of the vessel near amidships. The color code must be in the form of a circle at least 8 inches in diameter and the area surrounding the circle must be of a contrasting color. The identification number must be at least 4 inches in height and must be affixed adjacent to the 8-inch diameter circle.

(2) *Fish traps.* Each fish trap must have affixed to it permanently the numbered identification tag supplied by the Regional Director.

(3) *Buoys.* The use of buoys to identify fish traps is not required. If buoys are used, they must display the identification number and color code so as to be easily distinguished, located, and identified. The identification number must be in legible figures at least 2 inches in height and affixed to each buoy.

(e) Fish traps fished in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to fish traps which are lost or sold if the owner of such traps reports the loss or sale within 15 days to the Regional Director.

(f) Unmarked fish traps deployed in the EEZ, other than black sea bass traps, are illegal and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If owners of the unmarked trap can be ascertained, those owners remain subject to appropriate civil penalties.

(Approved by the Office of Manageme and Budget under control number 004 0097)

[50 FR 38819, Sept. 25, 1985, as amended 52 FR 9866, Mar. 27, 1987]

§ 646.6 Prohibitions.

In addition to the general prohib tions specified in § 620.7 of this cha ter, it is unlawful for any person to any of the following:

(a) Refuse to make fish available f inspection when requested to do so an authorized statistical reporti agent, as specified in § 646.4.

(b) Pull or tend fish traps exce during the hours specified § 646.20(a).

(c) Tend, open, pull, or otherwi molest or have in one's possessi aboard a fishing vessel another pe sons's fish traps except as provided §646.20(b).

(d) Possess in or harvest from th EEZ red snapper, yellowtail snappe red grouper, or Nassau grouper und the minimum size specified § 646.21(a).

(e) Possess in or harvest from th portion of the EEZ south of 35°15′ latitude (Cape Hatteras, North Caro na) black sea bass under the minimu size specified in § 646.21(b).

(f) Possess in the EEZ any fish the snapper-grouper fishery witho the heads and fins intact as specifie in § 646.21(c).

(g) Land any fish in the snappe grouper fishery, taken from the EE without the heads and fins intact specified in § 646.21(c).

(h) Fish with explosives or poison as specified in § 646.22(a).

(i) Fish with a fish trap, except specified in § 646.22(b).

(j) Fish with fish traps, except bla sea bass traps, without an assigne vessel and gear identification numbe possess aboard a fishing vessel u marked fish traps; use, or posse aboard a fishing vessel, buoys n marked with the assigned gear ident fication number and color code; falsif or fail to affix and maintain vessel gear markings as required by § 646.5.

(k) Possess fish traps shoreward the outer boundary of the EEZ an south of 25°35.5′ N. latitude (Fowe

Rocks Light, Florida) except as specified in § 646.22(b)(4).

(l) Use prohibited or unauthorized fishing gear in a special management zone, as specified in § 646.24(b)(2) and (c).

(m) Harvest or fail to release a jewfish within a special management zone, or possess a jewfish taken from a special management zone, as specified in § 646.24(b)(1).

(n) Use trawl gear in a directed snapper-grouper fishery in the EEZ between Cape Hatteras, North Carolina and Cape Canaveral, Florida, as specified in § 646.22(c)(1).

(o) Transfer at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard to another vessel, or receive at sea any such fish, as specified in § 646.22(c) (2) and (3).

[48 FR 39466, Aug. 31, 1983, as amended at 50 FR 38819, Sept. 25, 1985; 52 FR 9865, 9866, Mar. 27, 1987; 53 FR 24656, June 29, 1988; 54 FR 1722, Jan. 17, 1989; 54 FR 8343, Feb. 28, 1989]

Effective Date Notes: 1. At 55 FR 18894, May 7, 1990, an emergency interim rule was issued amending § 646.6 by adding paragraph (p), effective from May 2, 1990 through July 31, 1990. At 55 FR 28916, July 16, 1990, the effective date was extended through October 29, 1990.

2. At 55 FR 32259, Aug. 8, 1990, an emergency interim rule was issued amending § 646.6 by adding paragraphs (q), (r), and (s), effective from August 3, 1990 through November 1, 1990.

For the convenience of the user, the emergency interim rules appear below.

§ 646.6 Prohibitions.

* * * * *

(p) Harvest or possess jewfish in or from the EEZ, as specified in § 646.20(c).

(q) After a closure, harvest or possess wreckfish in or from the EEZ, or purchase, barter, trade, offer for sale, or sell wreckfish taken from the EEZ, as specified in § 646.25(b)(2).

(r) Possess wreckfish in or from the EEZ in excess of 10,000 pounds (4,536 kilograms), as specified in § 646.25(c)(1).

(s) Transfer wreckfish at sea, as specified in § 646.25(c)(2).

§ 646.7 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 646.8 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 646.20 Harvest limitations.

(a) Fish traps may be pulled or tended only during the period beginning one hour before official sunrise to one hour after official sunset in the South Atlantic portion of the EEZ south of 28°24.5′ N. Latitude (Cape Canaveral, Florida).

(b) Fish traps may be tended or pulled only by persons (other than authorized officers) aboard the fish trap owner's vessel(s), or aboard another vessel if such vessel has on board written consent of the fish trap owner.

[48 FR 39466, Aug. 31, 1983]

Effective Date Note: At 55 FR 18894, May 7, 1990, an emergency interim rule was issued amending § 646.20 by adding paragraph (c), effective from May 2, 1990 through July 31, 1990. At 55 FR 28916, July 16, 1990, the effective date was extended through October 29, 1990. For the convenience of the user, the emergency interim rule appears below.

§ 646.20 Harvest limitations.

* * * * *

(c) A jewfish may not be harvested or possessed in or from the EEZ.

§ 646.21 Size limitations.

(a) The minimum size limit for the harvest or possession in the EEZ of red snapper, yellowtail snapper, red grouper, and Nassau grouper is 12 inches total length.

(b) The minimum size for the harvest or possession in the EEZ of black sea bass south of Cape Hatteras, North Carolina is 8 inches total length.

(c) All fish in the snapper-grouper fishery subject to minimum size limits specified in this section may be possessed in the EEZ or landed, if harvested from the EEZ, only with the head and fins intact.

[48 FR 39466, Aug. 31, 1983, as amended at 52 FR 9866, Mar. 27, 1987]

§ 646.22 Gear limitations.

(a) *Explosive and poisons.* (1) Explosives (except explosives in powerheads) may not be used in the EEZ to fish for fish in the snapper-grouper fishery.

(2) Poisons may not be used in the EEZ to fish for fish in the snapper-grouper fishery except as authorized by permit under State or Federal law.

(b) *Fish traps.* (1) A fish trap in the EEZ is required to have on at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior axis of the trap's throat (funnel). The panel or door fasteners or hinges must be made of one of the following degradable materials:

(i) Untreated hemp, jute, or cotton string of 3/16-inch diameter or smaller;

(ii) Magnesium alloy, timed
leases (pop-up devices) or simil
nesium alloy fasteners; or

(iii) Ungalvanized or uncoat
wire of 0.062-inch diameter or

(2) A fish trap in the EEZ mu
all of the following mesh size
ments (examples of fish tra
configurations which meet th
mum requirements are sho
Figure 1):

(i) Two square inch minimu
mesh area;

(ii) One inch minimum len
shortest side;

(iii) Minimum distance of o
between parallel sides of rect
openings, and one and one-ha
inches between parallel sides o
openings with more than fou
and

(iv) One and nine-tenths (1.9)
minimum distance for diagona
urement.

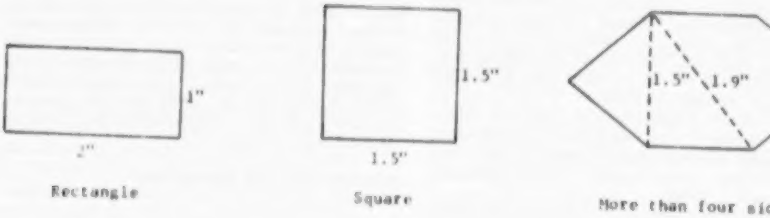


Figure 1. Examples of fish trap configurations which meet the minimum mesh sizes (not to scale).

(3) A fish trap may not be placed in the South Atlantic EEZ south and west of 25°35.5′ N. latitude (off Fowey Rocks Light, Florida) to 82°40′ W. longitude shoreward of the 100-foot contour that is closest to the shore and continuous along the coast and Florida Keys, as shown on the latest editions of National Ocean Service charts 11462, 11452, 11442, and 11439. West of 82°40′ W. longitude, traps may not be placed in the South Atlantic
north of a line connecting 24°24.
latitude, 82°40′ W. longitude
24°28.6′ N. latitude, 83°00′ W.
tude. A fish trap so placed will b
sidered unclaimed or abandoned
erty and may be disposed of in an
propriate manner by the Secretar
cluding an authorized officer).

(4) A buoy line attached to a
trap possessed or fished shorewa

the outer boundary of the EEZ and south of 25°35.5′ N. latitude must be a minimum of 125 feet in length.

(c) *Trawl gear.* (1) In the EEZ between Cape Hatteras, North Carolina (35°15′ N. latitude) and Cape Canaveral, Florida (28°35.1′ N. latitude)—due east of the NASA Vehicle Assembly Building), the use of trawl gear in a directed snapper-grouper fishery is prohibited. A vessel with trawl gear and more than 200 pounds of fish in the snapper-grouper fishery aboard is considered to be in a directed snapper-grouper fishery. It is a rebuttable presumption that a vessel with more than 200 pounds of fish in the snapper-grouper fishery aboard harvested such fish in the EEZ.

(2) A vessel with trawl gear aboard may not transfer at sea any fish in the snapper-grouper fishery—

(i) Taken in the EEZ between Cape Hatteras and Cape Canaveral; or

(ii) In the EEZ between Cape Hatteras and Cape Canaveral, regardless of where such fish were taken.

(3) No vessel may receive at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard, as specified in paragraphs (c)(2) (i) and (ii) of this section.

[48 FR 39466, Aug. 31, 1983, as amended at 54 FR 1722, Jan. 17, 1989]

§ 646.23 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities which are otherwise prohibited by these regulations.

[48 FR 39466, Aug. 31, 1983]

§ 646.24 Area limitations.

(a) The following artificial reefs and surrounding areas are established as Special Management Zones (SMZs):

(1) *Little River Reef:* The area is bounded by straight lines connecting the following points in the order listed:

Point	Latitude	Longitude
A	33°49.60′ N.	78°30.51′ W.
B	33°48.95′ N.	78°31.30′ W.
C	33°48.40′ N.	78°30.50′ W.
D	33°48.92′ N.	78°29.72′ W.
A	33°49.60′ N.	78°30.51′ W.

(2) *Paradise Reef:* The area is bounded on the north by 33°31.59′ N. latitude; on the south by 33°30.51′ N. latitude; on the east by 78°57.55′ W. longitude; and on the west by 78°58.85′ W. longitude.

(3) *Ten Mile Reef:* The area is bounded on the north by 33°26.65′ N. latitude; on the south by 33°24.80′ N. latitude; on the east by 78°51.08′ W. longitude; and on the west by 78°52.97′ W. longitude.

(4) *Pawleys Island Reef:* The area is bounded on the north by 33°26.58′ N. latitude; on the south by 33°25.76′ N. latitude; on the east by 79°00.29′ W. longitude; and on the west by 79°01.24′ W. longitude.

(5) *Georgetown Reef:* The area is bounded on the north by 33°14.90′ N. latitude; on the south by 33°13.85′ N. latitude; on the east by 78°59.45′ W. longitude; and on the west by 79°00.65′ W. longitude.

(6) *Capers Reef:* The area is bounded on the north by 32°45.45′ N. latitude; on the south by 32°43.91′ N. latitude; on the east by 79°33.81′ W. longitude; and on the west by 79°35.10′ W. longitude.

(7) *Kiawah Reef:* The area is bounded on the north by 32°29.78′ N. latitude; on the south by 32°28.25′ N. latitude; on the east by 79°59.00′ W. longitude; and on the west by 80°00.95′ W. longitude.

(8) *Edisto Offshore Reef:* The area is bounded on the north by 32°15.30′ N. latitude; on the south by 32°13.90′ N. latitude; on the east by 79°50.25′ W. longitude; and on the west by 79°51.45′ W. longitude.

(9) *Hunting Island Reef:* The area is bounded on the north by 32°13.72′ N. latitude; on the south by 32°12.30′ N. latitude; on the east by 80°19.23′ W. longitude; and on the west by 80°21.00′ W. longitude.

(10) *Fripp Island Reef:* The area is bounded on the north by 32°15.92′ N. latitude; on the south by 32°14.75′ N. latitude; on the east by 80°21.62′ W. longitude; and on the west by 80°22.90′ W. longitude.

(11) *Betsy Ross Reef:* The area is bounded on the north by 32°03.60′ N. latitude; on the south by 32°02.88′ N. latitude; on the east by 80°24.57′ W.

longitude; and on the west by 80°25.50′ W. longitude.

(12) *Hilton Head Reef/Artificial Reef—T:* The area is bounded on the north by 32°00.71′ N. latitude; on the south by 31°59.42′ N. latitude; on the east by 80°35.23′ W. longitude; and on the west by 80°36.37′ W. longitude.

(13) *Artificial Reef—A:* The area is bounded on the north by 30°56.4′ N. latitude; on the south by 30°55.2′ N. latitude; on the east by 81°15.4′ W. longitude; and on the west by 81°16.5′ W. longitude.

(14) *Artificial Reef—C:* The area is bounded on the north by 30°51.4′ N. latitude; on the south by 30°50.1′ N. latitude; on the east by 81°09.1′ W. longitude; and on the west by 81°10.4′ W. longitude.

(15) *Artificial Reef—G:* The area is bounded on the north by 30°59.1′ N. latitude; on the south by 30°57.8′ N. latitude; on the east by 80°57.7′ W. longitude; and on the west by 80°59.2′ W. longitude.

(16) *Artificial Reef—F:* The area is bounded on the north by 31°06.6′ N. latitude; on the south by 31°05.6′ N. latitude; on the east by 81°11.4′ W. longitude; and on the west by 81°13.3′ W. longitude.

(17) *Artificial Reef—J:* The area is bounded on the north by 31°36.7′ N. latitude; on the south by 31°35.7′ N. latitude; on the east by 80°47.0′ W. longitude; and on the west by 80°48.1′ W. longitude.

(18) *Artificial Reef—L:* The area is bounded on the north by 31°46.2′ N. latitude; on the south by 31°45.1′ N. latitude; on the east by 80°35.8′ W. longitude; and on the west by 80°37.1′ W. longitude.

(19) *Artificial Reef—KC:* The area is bounded on the north by 31°51.2′ N. latitude; on the south by 31°50.3′ N. latitude; on the east by 80°46.0′ W. longitude; and on the west by 80°47.2′ W. longitude.

(20) *Fort Pierce Inshore Reef:* The area is bounded on the north by 27°26.8′ N. latitude; on the south by 27°25.8′ N. latitude; on the east by 80°09.24′ W. longitude; and on the west by 80°10.36′ W. longitude.

(21) *Fort Pierce Offshore Reef:* The area is bounded by straight lines connecting the following points in the order listed:

Point	Latitude	Longitude
A	27°23.68′ N.	80°03.95′ W.
B	27°22.80′ N.	80°03.60′ W.
C	27°23.94′ N.	80°00.02′ W.
D	27°24.85′ N.	80°00.33′ W.
A	27°23.68′ N.	80°03.95′ W.

(b) The following restrictions apply within all of the SMZs specified in paragraph (a) of this section.

(1) Jewfish may not be harvested by any type of gear. Jewfish taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

(2) The use of fish traps and bottom longlines is prohibited.

(c) The following additional restrictions apply in the indicated SMZs.

(1) In SMZs specified in paragraphs (a)(1) through (19) of this section,

(i) The use of gill nets and trawls is prohibited; and

(ii) Fishing may be conducted only with hand-held hook-and-line gear (including manual, electric, or hydraulic rod and reel) and spearfishing gear (including powerheads).

(2) In SMZs specified in paragraphs (a) (20) and (21) of this section hydraulic and electric reels that are permanently affixed to the vessel are prohibited when fishing for fish in the snapper-grouper fishery.

(3) In the SMZ specified in paragraph (a)(20) of this section, the use of spearfishing gear is prohibited.

[52 FR 9866, Mar. 27, 1987, as amended at 54 FR 8343, Feb. 28, 1989]

EFFECTIVE DATE NOTE: At 55 FR 32259, Aug. 8, 1990, an emergency interim rule was issued adding § 646.25, effective from August 3, 1990 through November 1, 1990. For the convenience of the user, the emergency interim rule appears below.

§ 646.25 Wreckfish limitations.

(a) *Fishing year.* The fishing year for wreckfish begins on April 16, 1990, and each April 16 thereafter, and ends on April 15.

(b) *Quota and closure.* (1) Persons fishing for wreckfish are subject to a quota of 2 million pounds (907,194 kilograms) each fishing year.

(2) When the quota is reached, or is projected to be reached, the Secretary will publish a notice to that effect in the FEDERAL REGISTER. After the effective date of such notice, for the remainder of the fishing year, wreckfish may not be harvested or possessed in or from the EEZ and the purchase, barter, trade, offer for sale, and sale of wreckfish taken from the EEZ is prohibited. This prohibition does not apply to trade in wreckfish that were harvested, landed, and bartered, traded or sold prior to the effective date of the notice in the FEDERAL REGISTER and were held in cold storage by a dealer or processor.

(c) *Trip limit.* (1) No vessel on any trip may possess wreckfish in or from the EEZ in excess of 10,000 pounds (4,536 kilograms).

(2) Wreckfish taken in the EEZ may not be transferred at sea; and wreckfish may not be transferred at sea in the EEZ, regardless of where such wreckfish were taken.

(d) *Trawl gear waiver.* The provisions of § 646.22(c)(1) notwithstanding, for the purpose of determining when a vessel is in a directed snapper-grouper fishery, the weight of wreckfish will not be considered when determining the total weight of fish in the snapper-grouper fishery abroad.

PART 649—AMERICAN LOBSTER FISHERY

Subpart A—General Provisions

Sec.

649.1 Purpose and scope.
649.2 Definitions.
649.3 Relation to other laws.
649.4 Vessel permits.
649.5 Recordkeeping and reporting. [Reserved]
649.6 Vessel identification.
649.7 Prohibitions.
649.8 Facilitation of enforcement.
649.9 Penalties.

Subpart B—Management Measures

649.20 Harvesting and landing requirements.
649.21 Gear identification, marking, and escape vent requirements.
649.22 Exemption and area closure.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 649.1 Purpose and scope.

This part implements the American Lobster Fishery Management Plan prepared and adopted by the New England Fishery Management Council in consultation with the Mid-Atlantic Fishery Management Council, and approved by the Director of the Northeast Region of the National Marine Fisheries Service, NOAA. These regulations govern fishing for American lobster within that portion of the Atlantic Ocean over which the United States exercises fishery management authority, and possession of American lobster and lobster traps. Red crab fishing gear which is fished deeper than 200 fathoms is gear not capable of taking lobsters, and is not subject to the provisions of these regulations.

[48 FR 36268, Aug. 10, 1983, as amended at 51 FR 19212, May 28, 1986]

§ 649.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

American lobster or *lobster* means the species *Homarus americanus.*

Berried female means a female lobster bearing eggs attached to the abdominal appendages.

Carapace length is the straight line measurement from the rear of the eye socket parallel to the center line of the carapace to the posterior edge of the carapace. The carapace is the unsegmented body shell of the lobster.

Council includes the New England and Mid-Atlantic Fishery Management Councils.

Escape Vent means an opening in a lobster trap designed to allow lobster smaller than the legal minimum size to escape from the trap.

Fishery management plan (FMP) means the American Lobster Fishery Management Plan and any amendments thereto.

Land means to begin offloading fish, to offload fish, or to arrive in port.

Regional Director means the Director, Northeast Region, National

Marine Fisheries Service, NOAA, or a designee.

Scrubbing is the forcible removal of eggs from a berried female lobster.

Sixth tail segment is that tail segment closest to the fan of the lobster's tail with the segment length measured along the dorsal center line with the tail flexed.

V-notched lobster means any lobster bearing a V-shaped notch in the right flipper next to the middle flipper or any female lobster which is mutilated in a manner which could hide or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

Whole lobster means a lobster with an intact and measurable body (tail and carapace). A whole lobster may have one or both claws missing.

[48 FR 36268, Aug. 10, 1983, as amended at 52 FR 46091, Dec. 4, 1987; 53 FR 24655, June 29, 1988; 54 FR 48618, Nov. 24, 1989]

§ 649.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Nothing in these regulations will supersede more restrictive State or local lobster management measures.

[48 FR 36268, Aug. 10, 1983, as amended at 53 FR 24655, June 29, 1988]

§ 649.4 Vessel permits.

(a) *General.* (1) Any vessel of the United States fishing for American lobster in the EEZ must have a permit required by this part on board the vessel. The Regional Director may by agreement with State agencies recognize permits or licenses issued by those agencies endorsed for fishing for lobster in the EEZ, providing that such permitting programs accurately identify persons who fish in the EEZ, and that the Regional Director can either individually or in concert with the State agency act to suspend the permit or license for EEZ fishing for any violation under this part.

(2) Alternate State EEZ permitting programs will be established through a letter of agreement between the Regional Director and the director of the State marine fisheries agency concerned. The letter of agreement will specify the information to be collected by the alternate EEZ permitting program and the mode and frequency of provision of that information to the Regional Director. The Regional Director will, in cooperation with the State director, arrange for notification of the existence and terms of any such agreements to the affected persons. Persons intending to fish in the EEZ should determine whether an alternate EEZ permitting program is in force for their State before applying for a Federal permit under § 649.4(b).

(3) Vessel owners or operators who apply for a fishing vessel permit under this section, or for a State permit endorsed for EEZ fishing under § 649.4(a)(2) must agree, as a condition of the permit, that all the vessels' lobster fishing, catch, and gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ, and without regard to where such lobster, lobster meats, or parts, or gear are possessed, taken or landed) will be subject to all the requirements of this part. All such fishing, catch, and gear will remain subject to any applicable State or local requirements. If a requirement of this part and a conservation measure required by State or local law differ, any vessel owner or operator permitted to fish in the EEZ must comply with the more restrictive requirement.

(b) *Application.* An application for a federally issued fishing vessel permit under this section must be submitted and signed by the vessel owner or operator on an appropriate form which may be obtained from the Regional Director. The application must be submitted to the Regional Director and must contain the following information:

(1) The name, mailing address, and telephone number of the applicant and the vessel's master;

(2) The name of the vessel;

(3) The vessel's official number;

(4) The home port, length, gross tonnage, and net tonnage of the vessel;

(5) The engine horsepower of the vessel;

(6) The approximate fish-hold capacity of the vessel;

(7) The type, and quantity of fishing gear used by the vessel;

(8) The size of the crew, which may be stated in terms of a range; and

(9) A signed statement that the applicant agrees to the conditions specified in § 649.4(a)(3), i.e. that all the vessel's fishing, catch, and gear, of American lobster will be subject to the requirements of this part, in addition to any more restrictive conservation requirements of applicable State or local rules, without regard to where such fishing, catch, or gear occur, is taken, or is possessed.

(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 10 days following the date of notification, the application will be considered abandoned.

(d) *Expiration.* A permit expires on December 31, or when the owner or name of the vessel changes.

(e) *Duration.* A federally-issued permit is valid until it expires or is revoked, suspended, or modified under subpart D of 15 CFR part 904.

(f) *Alteration.* Any permit which has been altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Federal permits issued under this part are not transferable or assignable. A federally issued permit is valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this part must be carried on board the fishing vessel at all times. The permit must be displayed for inspection upon request of any authorized officer.

(j) *Sanctions.* Subpart D of 15 CFR part 904 governs the imposition of sanctions against a permit issued under this part. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(k) *Fees.* No fee is required for any federally-issued permit under this part.

(l) *Change in application information.* The permit holder must report any change in the information specified in paragraph (b) of this section, such as the vesssel owner or quantity of gear, to the Regional Director within 15 days of the change.

[48 FR 36268, Aug. 10, 1983, as amended at 49 FR 1043, Jan. 6, 1984; 52 FR 46091, Dec. 4, 1987]

§ 649.5 Recordkeeping and reporting. [Reserved]

§ 649.6 Vessel indentification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must be permanently affixed to each vessel subject to this part in contrasting block Arabic numerals at least 18 inches in height for all other vessels over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, is that length set forth in U.S. Coast Guard or State records.

(c) *Duties of operator.* The operator of each vessel subject to this part must—

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

[48 FR 36268, Aug. 10, 1983]

§ 649.7 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person issued a permit under § 649.4, or for any person fishing in the EEZ, to do any of the following:

(1) Land or possess any American lobster which fails to meet the cara-

pace length standards specified in § 649.20(b).

(2) Land or possess any American lobster or parts thereof in violation of the mutilation standards specified in §649.20(c).

(3) Retain on board, possess, or land any berried female American lobster.

(4) Remove eggs from any berried female American lobster, or to possess or land any such lobster from which eggs have been removed.

(5) Possess any V-notched female American lobsters throughout the range of the stock.

(6) Possess, deploy, haul, harvest lobster from, or carry aboard a vessel any gear not identified, marked and vented in accordance with the requirements specified in § 649.21.

(7) Fail to affix and maintain permanent markings as required by § 649.6.

(b) It is unlawful for any person to do any of the following:

(1) Use any vessel for taking, catching, harvesting, fishing for, or landing of any American lobster in, or from, the EEZ unless the vessel or operator has a valid permit issued under this part, and the permit is aboard the vessel.

(2) Make any false statement in connection with an application under § 649.4; or to fail to report to the Regional Director, within 15 days, any change in the information contained in a permit application for a vessel.

(3) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import or export any American lobster taken or retained in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act.

(4) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any American lobster.

(5) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this part.

(c) The possession of egg-bearing female American lobsters, V-notched female American lobsters, or American lobsters that are smaller than the minimum size set forth in § 649.20(b) of this part, will be *prima facie* evidence that such lobsters were taken
ported in violation of these
tions. Evidence that such lobster
harvested by a vessel not hol
permit under this part and fishi
clusively within State or
waters will be sufficient to reb
presumption.

[48 FR 36268, Aug. 10, 1983, as amen
51 FR 19212, May 28, 1986; 52 FR
Dec. 4, 1987; 53 FR 24656, June 29, 19

§ 649.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 649.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Mea

§ 649.20 Harvesting and landing r
ments.

(a) *Condition.* By accepting a
al permit or a State permit en
for EEZ fishing, the permittee
that any lobster found on bo
landed by a vessel with a
issued, authorized, or required b
part will be treated as if it had
harvested in the EEZ subject to
regulations.

(b) *Carapace length.* All Am
lobsters landed on the dates set
must have a minimum carapace
as follows:

Effective dates	Minimum carapace
January 1, 1985, through December 31, 1987.	3$\frac{3}{16}$ inches.
January 1, 1988, through December 31, 1988.	3$\frac{7}{32}$ inches.
January 1, 1989, through December 31, 1990.	3$\frac{1}{4}$ inches.
January 1, 1991, through December 31, 1991.	3$\frac{9}{32}$ inches.
January 1, 1992, and beyond.[1]	3$\frac{5}{16}$ inches.

[1] By January 1, 1992, escape vents in traps
compatible with a minimum carapace length of 3

(c) *Mutilation.* It is unlawful f
person to remove meat or any bo
pendages from any lobster
landing, or to have in possessi
board any lobster part other
whole lobsters.

(d) *Berried females.* Any berried female American lobster must be immediately returned to the sea.

(e) *Scrubbing.* No person may remove extruded eggs attached to the abdominal appendages from any female American lobster.

[48 FR 36268, Aug. 10, 1983, as amended at 52 FR 46091, Dec. 4, 1987; 54 FR 48618, Nov. 24, 1989]

§ 649.21 Gear identification, marking, and escape vent requirements.

(a) *Identification.* All lobster gear deployed in the EEZ or possessed by a person whose vessel is permitted for fishing in the EEZ, and not permanently attached to the vessel, must be legibly and indelibly marked with one of the following codes of identification:

(1) A number assigned by the Regional Director; and/or

(2) Whatever positive identification marking is required by the vessel's homeport State.

(b) *Marking.* In the areas of the EEZ described in paragraph (b)(4) below, lobster pot trawls are to be marked as follows:

(1) Lobster pot trawls of three or less pots must be marked with a single buoy.

(2) Lobster pot trawls consisting of more than three pots must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east to and including south) of a lobster trawl must be marked with a radar reflector only. Standard tetrahedral corner radar reflectors (see Figure 1) of at least 8 inches (both in height and width and made from metal) must be employed.

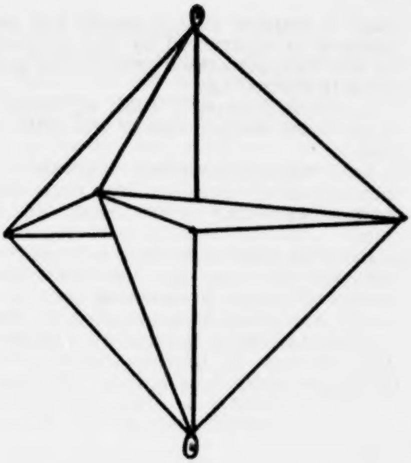


Figure 1.

(3) No lobster pot trawl shall exceed 1.5 miles in length as measured from buoy to buoy.

(4) Gear marking requirements apply in the following areas:

(i) *Gulf of Maine Gear Area.* All waters of the EEZ north of 42°20′ N. latitude seaward of a line drawn 12 miles from the baseline of the territorial sea;

(ii) *Georges Bank Gear Area.* All waters of the EEZ south of 42°20′ N. latitude and east of 70°00′ W. longitude or the outer boundary of the territorial sea, whichever lies further east;

(iii) *Southern New England Gear Area.* All waters of the EEZ west of 70°00′ W. longitude, east of 71°30′ W. longitude at a depth greater than 25 fathoms; and

(iv) *Mid-Atlantic Gear Area.* All waters of the EEZ, west of 71°30′ W. longitude and north of 36°33′ N. latitude at a depth greater than 40 fathoms.

(c) *Escape vents.* All lobster traps deployed in the EEZ or possessed by a person whose vessel is permitted for fishing in the EEZ must be constructed to include one of the following escape vents in the parlor section of the trap. The vent must be located in such a manner that it would not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use.

(1) Until January 1, 1992, all lobster traps must contain one of the following:

(i) A rectangular portal with an unobstructed opening not less than 1¾ inches (44.5 mm) by six inches (152.5 mm);

(ii) Two circular portals with unobstructed openings not less than 2¼ inches (57.2 mm) in diameter; or

(iii) Any other vent certified by the Regional Director to release a substantial number of lobsters under $3\frac{3}{16}$ inches carapace length from the trap.

(2) On January 1, 1992, all lobster traps must contain one of the following:

(i) A rectangular escape vent compatible with an unobstructed opening not less than $1\frac{15}{16}$ inches high (49.2 mm) by 6 inches wide (152.2 mm), if the escape vent is made by cutting meshes on a wire mesh trap the width will be measured from center to center on the wires;

(ii) Two circular escape vents with unobstructed openings not less than $2\frac{7}{16}$ inches (61.9 mm) in diameter; or

(iii) Any other type of escape vent which the Regional Director finds to be consistent with paragraphs (c)(2)(i) and (c)(2)(ii) of this section.

(3) On January 1, 1992, lobster traps must contain an escape panel or equivalent mechanism to keep a trap from ghost fishing after it has been abandoned or lost for 12 months or more. This requirement shall become effective on or before January 1, 1991, only if the Council specifies, and the Regional Director consistent with 5 U.S.C. 553 publishes in the FEDERAL REGISTER, a list of acceptable methods for complying with this requirement, including the minimum dimensions of the escape path.

(d) *Enforcement action.* (1) Unidentified, unmarked, unvented, or improperly vented lobster traps will be seized and disposed of in accordance with the provisions of 50 CFR part 219.

(2) Following the effective date of each carapace length increase set forth in § 649.20(b) of this part, any dealer/ wholesaler will have 180 days
in which to dispose of any l
purchased or received in the pri
which do not meet the new mi
carapace length increase.

[51 FR 19212, May 28, 1986; 51 F
June 24, 1986, as amended at 52 F
Dec. 4, 1987; 54 FR 48618, Nov. 24, 1

EFFECTIVE DATE NOTE: Section 649.
becomes effective 12 months after
acceptable mechanisms has been p
in the FEDERAL REGISTER, but no
January 1, 1992. (See 54 FR 48618,
1989.)

§ 649.22 Exemption and area clos

(a) *Exemption.* (1) Upon the
mendation of the New Englan
ery Management Council, the
al Director may exempt any pe
vessel from the requirements
part for the conduct of rese
education beneficial to the lob
source or lobster fishery.

(2) The Regional Director
grant such exemption unless h
mines that the purpose, design
ministration of the exemption
sistent with the objectives of t
the provisions of the Magnu
and other applicable law, a
granting the exemption will no

(i) Have a detrimental effect
lobster resource and fishery; or

(ii) Create significant enfo
problems.

(3) Each vessel participatin
exempt activity is subject to a
sions of this part except thos
sarily relating to the purp
nature of the exemption. The
tion will be specified in a lett
by the Regional Director
vessel participating in the e
activity. This letter must be
aboard the vessel seeking the
of such exemption.

(b) *Area closure.* (1) Upon th
mendation of the New Engla
ery Management Council, the
al Director may close an are
EEZ to fishing, through a re
amendment, for the conduct
tific research provided that s
sure will not—

(i) Increase gear conflicts; or

(ii) Interfere significantl
common fishing practices.

(2) If the area to be closed
the jurisdiction of the Mid

Fishery Management Council, then that Council must concur with the recommendation of the New England Fishery Management Council before the Regional Director may close the area.

[51 FR 19212, May 28, 1986, as amended at 52 FR 46091, Dec. 4, 1987; 53 FR 24657, June 29, 1988]

PART 650—ATLANTIC SEA SCALLOP FISHERY

Subpart A—General Provisions

Sec.
650.1 Purpose and scope.
650.2 Definitions.
650.3 Relation to other laws.
650.4 Vessel permits.
650.5 Recordkeeping and reporting. [Reserved]
650.6 Vessel identification.
650.7 Prohibitions.
650.8 Facilitation of enforcement.
650.9 Penalties.

Subpart B—Management Measures

650.20 Meat-count and shell-height standards.
650.21 Compliance and sampling.
650.22 Review of resource status; temporary adjustment of standards.
650.23 Experimental fishing exemption.
650.24 Modification of the spawning season adjustment.
650.25 Modification of offloading period.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 650.1 Purpose and scope.

The purpose of this part is to implement the Fishery Management Plan for Atlantic Sea Scallops, prepared and adopted by the New England Fishery Management Council in consultation with the Mid-Atlantic and South Atlantic Fishery Management Councils, and approved by the Assistant Administrator for Fisheries (NOAA). These regulations govern fishing for Atlantic sea scallops within that portion of the Atlantic ocean over which the United States exercises fishery management authority.

[47 FR 35992, Aug. 18, 1982, as amended at 50 FR 46071, Nov. 6, 1985; 52 FR 1463, Jan. 14, 1987]

§ 650.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Atlantic sea scallop or *scallop* means the species *Placopecten magellanicus* throughout its range.

Council means the New England, Fishery Management Council.

First transaction in the United States means the time and place at which Atlantic sea scallops.

(a) After being landed in the United States in the shell, are shucked;

(b) After being landed in the United States shucked, are mixed, sorted, or processed in any way; or

(c) Are certified, through a procedure specified by the Regional Director, to have been taken under a management system which the Regional Director finds to be substantially consistent with the conservation objectives of the FMP and these regulations.

Fishery Management Plan (FMP) means the Fishery Management Plan for Atlantic Sea Scallops and any amendments thereto.

Land means to begin offloading fish, to offload fish, or to enter port with fish.

Meat means the retained part of the scallop adductor muscle.

Meat count means the number of scallop meats required to make one pound of meats. A meat count of thirty means that one pound of scallops contains thirty meats. As the average scallop size increases, the meat count declines.

Non-conforming Atlantic sea scallops means scallops that do not meet the standards specified in § 650.20 of these regulations, unless such scallops have been certified (through a procedure specified by the Regional Director) to have been taken under a management system that the Regional Director finds to be substantially consistent with the conservation objectives of the FMP and these regulations, and also means any scallops that are offloaded or received from a vessel by any person at any time other than during the offloading periods as specified in §§ 650.21 (c) and (d) of these regulations.

Offload means to enter port and remove (i.e., to pass over the rail or otherwise take away) fish from any vessel.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, NOAA, or a designee.

Sea scallop dredge vessel means any fishing vessel that is equipped for fishing using dredge gear in the Atlantic sea scallop fishery. For the purposes of this rule, dredge gear is that gear that consists of a mouth frame attached to a holding bag constructed of steel rings, or any other modification to this design that can be used in the harvest of Atlantic sea scallops.

Shell height is a straight line measurement from the umbo on the hinge, or anterior wing of the shell, to the outermost part of the curve of the leading edge.

Shucking or *to shuck* means opening scallops and separating the meat from the shell.

Trip is the period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel begins to offload fish in port.

[47 FR 35992, Aug. 18, 1982, as amended at 50 FR 46071, Nov. 6, 1985; 52 FR 1463, Jan. 14, 1987; 53 FR 23636, June 23, 1988; 53 FR 24655, June 29, 1988; 55 FR 435, Jan. 5, 1990]

§ 650.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

[53 FR 24655, June 29, 1988]

§ 650.4 Vessel permits.

(a) *General.* Any vessel of the United States harvesting Atlantic sea scallops in quantities greater than 5 bushels in the shell or 40 pounds of meats per trip shall have a permit required by this part on board the vessel.

(b) *Application.* An application for a fishing vessel permit under this section shall be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application shall be submitted to the Regional Director and shall contain the

(1) The name, mailing address, and telephone number of the applicant and the vessel's master;

(2) The name of the vessel;

(3) The vessel's official number;

(4) The home port, gross tonnage, and net tonnage of the vessel;

(5) The engine horsepower of the vessel;

(6) The approximate fish-hold capacity of the vessel in pounds of meats or unshucked scallops as appropriate;

(7) The type, quantity and size of fishing gear used by the vessel, including a statement as to whether all scallops harvested will be shucked at sea, or a portion of the catch will be landed in the shell; and

(8) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Except as provided in Subpart D of 15 CFR Part 904, upon receipt of a completed application, the Regional Director must issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within ten days following the date of notification, the application must be considered abandoned.

(d) *Expiration.* A permit expires on December 31, or when the owner or name of the vessel changes.

(e) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(f) *Alteration.* Any permit which has been altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this part must be carried on board the fishing vessel at all times. The permit must be prominently displayed in the pilot house or offered for inspection upon request of any Authorized Officer.

(j) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(k) *Fees.* No fee is required for any permit under this part.

(l) *Change in application information.* Any change in the information specified in paragraph (b) of this section, such as the vessel owner or gear configuation, must be reported to the Regional Director within 15 days of the change.

[47 FR 35992, Aug. 18, 1982, as amended at 48 FR 34762, Aug. 1, 1983; 49 FR 1043, Jan. 6, 1984; 52 FR 46485, Dec. 8, 1987]

§ 650.5 Recordkeeping and reporting. [Reserved]

§ 650.6 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must be permanently affixed to each vessel subject to this part. Numbers must contrast with the background and be in block Arabic numerals at least 18 inches in height for vessels over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, is that length set forth in U.S. Coast Guard or state records.

(c) *Duties of operator.* The operator of each vessel subject to this part shall:

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

[47 FR 35992, Aug. 18, 1982]

§ 650.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Possess, at or prior to the first transaction in the United States, any non-conforming Atlantic sea scallops. All Atlantic sea scallops will be subject to inspection and enforcement for non-conformity, in accordance with the compliance and sampling procedures specified in § 650.21, up to and including the first transaction in the United States.

(b) Offload any fish from a sea scallop dredge vessel, or from a vessel landing more than 5 bushels (176.2 L) of Atlantic sea scallops in the shell, at any time other than during the applicable time specified in § 650.21(c).

(c) Offload Atlantic sea scallops from any vessel landing more than 40 pounds (18.1 kg) of shucked Atlantic sea scallops at any time other than the times specified in § 650.21(c).

(d) Use any vessel for taking, catching, harvesting, or landing any Atlantic sea scallops in excess of the amounts prescribed in § 650.4(a), unless the vessel has a valid permit issued under this part, and the permit is on board the vessel.

(e) Make any false statement in connection with an application under § 650.4, or to fail to report to the Regional Director, within 15 days, any change in the information contained in a permit application for a vessel.

(f) Fail to affix and maintain permanent markings as required by § 650.6.

(g) Make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any Atlantic sea scallops.

(h) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this part.

[47 FR 35992, Aug. 18, 1982, as amended at 52 FR 1463, Jan. 14, 1987; 53 FR 24657, June 29, 1988; 55 FR 435, Jan. 5, 1990; 55 FR 2201, Jan. 22, 1990]

EFFECTIVE DATE NOTE: At 55 FR 22337, June 1, 1990, an emergency interim rule was issued amending § 650.7 by adding paragraph (i), effective from May 25, 1990 through August 23, 1990. At 55 FR 35436, Aug. 30, 1990, the effective date was extended through November 21, 1990. For the convenience of the user, the emergency interim rule appears below.

§ 650.7 Prohibitions.

* * * * *

(i) Land unshucked Atlantic sea scallops, except for the adductor muscle only, from the Georges Bank area defined at 50 CFR 652.23(a)(4)(i).

§ 650.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 650.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 650.20 Meat-count and shell-height standards.

(a) Except as provided in paragraphs (b) and (c) of this section, the meat count for shucked Atlantic sea scallops must not exceed 30 meats per pound; the corresponding minimum shell height is 3½ inches (89 mm).

(b) The Regional Director may temporarily adjust the meat count and shell height standards in accordance with the procedures and criteria provided in § 650.22.

(c)(1) The meat count standard in paragraph (a) of this section will be adjusted upward by 10 percent during the months of October through January each year.

(2) The adjustment of the meat count standard specified in paragraph (c)(1) of this section is made to account for the natural reduction of meat weight during and after the spawning season. The corresponding minimum shell height will not be adjusted.

(3) The Regional Director may act to modify the adjustment to the meat count standard during the spawning period, as set forth in the procedures and criteria of § 650.24. Any modification will become the operative spawning adjustment for purposes of paragraph (c)(1) of this section for succeeding years unless it is further modified according to § 650.24.

[52 FR 1463, Jan. 14, 1987, as amended at 53 FR 23636, June 23, 1988]

§ 650.21 Compliance and sampling.

Compliance with the specified m
count and shell-height standards
be determined by inspection and
forcement up to and including
first transaction in the United St
as follows:

(a) *Shucked meats.* The Author
Officer will take one-pound sample
random from the total amount of
lops in possession. The person in
session of the scallops may req
that as many as ten one-pound
ples be examined as a sample grou
sample group fails to comply with
standard if the averaged meat co
for the entire sample group exce
the standard. The total amount
scallops in possession will be presu
in violation of this regulation if
sample group fails to comply with
standard.

(b) *Scallops in the shell.* The Auth
ized Officer will take samples of fo
scallops each at random from the to
amount of scallops in possession. T
person in possesion of the scall
may request that as many as ten sa
ples (400 scallops) be examined as
sample group. A sample group fails
comply with the standard if more th
ten percent of the number of scallo
in the sample group are less than t
shell height specified by the standa
The total amount of scallops in poss
sion will be presumed in violation
this regulation and subject to forfe
ure if the sample group fails to comp
with the standard.

(c) All sea scallop dredge vessels a
all vessels landing more than 5 bushe
(176.2 L) of Atlantic sea scallops in t
shell must offload all fish each d
within the applicable 12-hour offloa
ing period as specified below:

State of Offloading	Period
ME, NH, NC, SC, GA, & FL	7 a.m. to 7 p.m.
MA, RI & CT	5 a.m. to 5 p.m.
NY, NJ, DE, MD, VA, & PA	6 a.m. to 6 p.m.

(d) All other vessels not covered b
paragraph (c) of this section, landin
more than 40 pounds (18.1 kg) o
shucked Atlantic sea scallops, mus
offload the scallops within the appli

cable offloading period specified in paragraph (c) of this section.

(e) *Presumption.* Fish not offloaded from vessels subject to the provisions of paragraph (c), and shucked Atlantic sea scallops not offloaded from vessels subject to the provisions of paragraph (d), of this section during the offloading period must remain on the vessel until the following offloading period. There shall be a presumption of unlawful offloading for any such catch that is observed or identified on such a vessel by an authorized officer at the close of the previous offloading period, if such catch is not found on that vessel at the beginning of the following offloading period.

[52 FR 1463, Jan. 14, 1987, as amended at 55 FR 435, Jan. 5, 1990]

§ 650.22 Review of resource status; temporary adjustment of standards.

(a) *Review of resource status.* The Regional Director will review the status of the Atlantic sea scallop resource on a continuing basis, and will, at least annually, prepare a report concerning the status of the fishery and possible changes in the resource, fishery, or industry which might require adjustment of the managment program, or amendment of the FMP. The Council may, at any time, request that such a report be prepared within sixty days.

(b) *Temporary adjustment of standards.* (1) The Regional Director may recommend that the standards contained in § 650.20 be adjusted, if he makes the finding required by paragraph (c) of this section after considering the information specified in paragraph (d) of this section.

(2) The standards can be adjusted only within a range from 25 to 40 meats per pound (with appropriate and consistent shell height adjustment), and may be adjusted by no more than 5 meats per pound by any one adjustment.

(3) The Regional Director will solicit and consider any recommendation of the Council regarding adjustment of standards, and, with the Council, will provide for public notice and comment, and hold a public hearing on the recommendation in conjunction with the Council meeting at which the recommenation is discussed.

(4) The Regional Director may modify his recommendation on the basis of comments from the Council or the public. After consideration of the full record, the Regional Director may adjust the stanadards contained in § 650.20, and will publish in the FEDERAL REGISTER notice of such change and the date when the adjusted standard will revert to a 30 meat count. Notice of any such adjustment will be mailed to each holder of a permit issued under § 650.4.

(5) Adjustments of the meat count and shell height standards may remain in effect for up to twelve months. No later than twelve months after the implementation of the most recent adjustment to the meat count and shell height standards, the Regional Director must review such adjustments. The Regional Director may renew the adjustment upon making a finding consistent with § 650.22(c).

(c) *Criteria.* The Regional Director may adjust the standards specified in § 650.20 if he finds that:

(1) The objective of the FMP would be achieved more readily, or would be better served through an adjustment of the prevailing standards;

(2) The recommended alteration in the standards would not reduce expected catch over the following year by more than 5 percent from that which would have been expected under the prevailing standard;

(3) The recommended standards for meat count and shell height are consistent with each other; and

(4) Inconsistencies exist in the management measures applied to sea scallop stocks in areas harvested by both domestic and foreign fishermen, and those inconsistencies provide foreign fishermen with an advantage over domestic fishermen which can be demonstrated to adversely affect the domestic fishery; or analysis of the size distribution of sea scallops shows that more than 50 percent of the harvestable sea sallop biomass is at sizes smaller than those consistent with the prevailing standards and that a temporary relaxation of the standards would not jeopardize future recruitment to the fishery.

(d) *Sources of information.* The Regional Director will consider all available resource and assessment information, especially the most recently completed survey and assessment, when preparing any report or recommendation under this section. The Regional Director will also consider: reports and records maintained by fishermen and made available as a part of the fishery statistics program; other fishery statistics; and any other available information which increases understanding of prevailing conditions of the stock, the fishery, and the industry.

[52 FR 1464, Jan. 14, 1987; 52 FR 39537, Oct. 22, 1987]

§ 650.23 Experimental fishing exemption.

(a) Upon the recommendation of the Council, the Regional Director may exempt any person or vessel from the requirements of this part for the conduct of experimental fishing beneficial to the management of the sea scallop resource or fishery.

(b) The Regional Director may not grant such exemption unless it is determined that the purpose, design, and administration of the exemption is consistent with the objectives of the FMP, the provisions of the Magnuson Act, and other applicable law, and that granting the exemption will not

(1) Have a detrimental effect on the sea scallop resource and fishery; or

(2) Create significant enforcement problems.

(c) Each vessel participating in any exempted experimental fishing activity is subject to all provisions of this part except those necessarily relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Director to each vessel participating in the exempted activity. This letter must be carried aboard the vessel seeking the benefit of such exemption.

[52 FR 1464, Jan. 14, 1987]

§ 650.24 Modification of the spawning season adjustment.

(a) *Procedure.* (1) The Council may request that the Regional Director modify the spawning season adjustment as specified in § 650.20(c)(3), if he makes the findings required by
paragraph (b) of this section
sidering the information sp
paragraph (c) of this section

(2) A modification to the
season adjustment may not
percent of the meat count e
under § 650.20(a) and is lin
time period of up to 6 mon
ning no earlier than Septem

(3) Following a request by
cil for a modification, the Re
rector will:

(i) Provide for public inpu
ing a hearing in conjuncti
Council meeting at which t
is discussed; and

(ii) Take into considerati
comments and information
the enforcement and adm
implications of any modificat

(4) After consideration o
record required by this se
Regional Director may m
spawning adjustment under
tion by publishing a notice i
ERAL REGISTER.

(b) *Criteria.* The Regiona
must find that:

(1) New scientific informat
that is significantly different
information contained in th
specting sea scallop growt
spawning activity;

(2) The proposed adju
within the ranges of period
date, and magnitude set fort
graph (a)(2) of this section; a

(3) The proposed adjustme
sistent with the manageme
tives of the FMP.

(c) *Sources of information*
gional Director will consider
able resource and assessment
tion, especially the most rece
pleted NMFS resource surve
sessment, when preparing a
or recommendation under th
He will also consider rep
records maintained by fishe
made available as a part of th
statistics program, other fish
tics, and any other available
tion which improves underst
prevailing conditions of the
fishery, and the industry.

[53 FR 23636, June 23, 1988]

§ 650.25 Modification of offloading period.

(a) The daily timing of the 12-hour offloading period in any state(s) may be adjusted by the Regional Director, if the Regional Director determines, and recommends to the Council, that such an adjustment is necessary and appropriate after reviewing any changes in the resource, fishery, or industry in accordance with § 650.22(a). The Council may, at any time, request that a change in an offloading period be evaluated by the Regional Director within 60 days. The Regional Director will solicit and consider any recommendation of the Council regarding adjustment of the timing of an offloading period, and, with the Council, will provide for public notice and comment, and hold a public hearing on any recommended change in conjunction with the Council meeting at which the recommended change is discussed. The Regional Director will publish a notice of the public hearing and the recommended change in the FEDERAL REGISTER.

(b) After consideration of the full record; including comments at the public hearing, written comments, and comments from the Council; the Regional Director may accept, modify, or reject the recommended adjustment for the daily timing of the 12-hour offloading period. Notice of the Regional Director's decision, and the date such decision will take effect, will:

(1) Be published in the FEDERAL REGISTER; and

(2) Be mailed to each holder of a permit issued under § 650.4 of this chapter.

[55 FR 435, Jan. 5, 1990]

PART 651—NORTHEAST MULTISPECIES FISHERY

Subpart A—General Provisions

Sec.

651.1 Purpose and scope.
651.2 Definitions.
651.3 Relation to other laws.
651.4 Vessel permits.
651.5 Recordkeeping and reporting. [Reserved]
651.6 Vessel identification.
651.7 Prohibitions.
651.8 Facilitation of enforcement.
651.9 Penalties.

Subpart B—Management Measures

651.20 Regulated mesh area and gear limitations.
651.21 Closed areas.
651.22 Exempted fishery program.
651.23 Minimum fish size.
651.24 Experimental fishing.
651.25 Gear marking requirements.
651.26 Flexible Area Action System.

FIGURES—PART 651

FIGURE 1—EXEMPTED FISHING AREA
FIGURE 2—GEORGES BANK CLOSED AREAS
FIGURE 3—SOUTHERN NEW ENG./MID-ATLANTIC CLOSURE
FIGURE 4—BOTTOM TRAWL NET TERMINUS

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 52 FR 35094, Sept. 17, 1987, unless otherwise noted.

Subpart A—General Provisions

§ 651.1 Purpose and scope.

This part implements the Fishery Management Plan for the Northeast Multispecies Fishery, as amended by the New England Fishery Management Council in consultation with the Mid-Atlantic Fishery Management Council. These regulations govern the conservation and management of multispecies finfish.

§ 651.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Bottom-tending gill net means any gill net, anchored or otherwise, that is fished on or near the bottom in the lower third of the water column.

Butterfish means *Peprilus triacanthus.*

Chairman means the Chairman of the Multispecies Finfish Committee of the Council.

Charter and party boats means vessels carrying recreational fishing parties for a per capita fee or for a charter fee.

Committee means the Multispecies Finfish Committee of the Council.

Council means the New England Fishery Management Council.

Exempted fisheries means those species found in the exempted fisheries program (§ 651.23).

Herring means Atlantic herring, *Clupea harengus harengus*, or blueback herring, *Alosa aestivalis*.

Land means to begin offloading fish, to offload fish, or to transfer fish to another vessel.

Longline gear means fishing gear which is set horizontally, either anchored, floating, or attached to a vessel, which consists of a main or ground line with three or more gangions and hooks.

Mackerel means Atlantic mackerel, *Scomber scombrus*.

Mid-Atlantic area means that area west and south of a line commencing at 41°18′16.2″ N. latitude, 71°54′28.5″ W. longitude and proceeding 142°37′27.25″ True to the point of intersection with the outer boundary of the EEZ.

Midwater trawl gear means pelagic trawl gear, no portion of which is operated in contact with the bottom at any time.

Multispecies finfish includes, but is not limited to, the following finfish in the Northeast portion of the Atlantic Ocean EEZ.

Gadus morhua	Atlantic cod.
Glyptocephalus cynoglossus	witch flounder.
Hippoglossoides platessoides	American plaice.
Limanda ferruginea	yellowtail flounder.
Melanogrammus aeglefinus	haddock.
Pollachius virens	pollock.
Pseudopleuronectes americanus	winter flounder.
Scophthalmus aquosus	windowpane flounder.
Sebastes marinus	redfish.
Urophycis tenuis	white hake.

New England area means that area east and north of a line commencing at 41°18′16.2″ N. latitude, 71°54′28.5″ W. longitude and proceeding 142°37′27.25″ True to the point of intersection with the outer boundary of the EEZ.

Recreational fishing means fishing for finfish which does not result in their barter, trade, or sale.

Recreational fishing vessel means any vessel from which no fishing other than recreational fishing is conducted. Party and charter boats are not considered recreational fishing vessels.

Regional Director means the Regional Director, Northeast Region, NMFS, 14 Elm Street, Federal Building, Gloucester, MA 01930, 617-281-3600, or a designee.

Regulated species means a subset of multispecies finfish which includes Atlantic cod, witch flounder, American plaice, yellowtail flounder, haddock, pollock, winter flounder, and redfish.

Retain aboard means to fail to return fish to the sea after a reasonable opportunity to sort the catch.

Squids means *Loligo pealei* or *Illex illecebrosus*.

Whiting means *Merluccius bilinearis*.

[52 FR 35094, Sept. 17, 1987, as amended at 53 FR 24655, June 29, 1988; 54 FR 52804, Dec. 22, 1989]

§ 651.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) Fishing for squids, mackerel, and butterfish, which is affected by these rules, also is governed by other domestic rules under 50 CFR part 655.

(c) Nothing in these regulations will supersede more restrictive State management measures for multispecies finfish.

[52 FR 35094, Sept. 17, 1987; 52 FR 37159, Oct. 5, 1987, as amended at 53 FR 24655, June 29, 1988]

§ 651.4 Vessel permits.

(a) *General.* (1) Any vessel of the United States fishing for multispecies finfish, except commercial vessels fishing exclusively within State waters and recreational fishing vessels, must have a permit required by this part aboard the vessel.

(2) Vessel owners or operators who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel's fishing, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward of the EEZ and without regard to where such fish or gear are possessed, taken, or landed) will be subject to all the re-

quirements of this part. All such fishing, catch, and gear will remain subject to any applicable State requirements. If a requirement of this part and a management measure required by State law differ, any vessel owner or operator permitted to fish in the EEZ must comply with the more restrictive requirement.

(b) *Application.* (1) An application for a fishing vessel to participate in the multispecies finfish fishery must be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application should be submitted to the Regional Director at least 2 months prior to the date on which the applicant desires to have the permit made effective to ensure that he will receive the permit on time.

(2) Applicants must provide all of the following information:

(i) The name, mailing address, and telephone number of the applicant and the vessel's master;

(ii) If the vessel owner is a corporation, the officers' and shareholders' names and mailing addresses;

(iii) The name of the vessel;

(iv) The vessel's official number;

(v) The home port and gross tonnage of the vessel;

(vi) The engine horsepower of the vessel;

(vii) The approximate fish-hold capacity of the vessel in pounds;

(viii) The type of fishing gear used by the vessel; and

(ix) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director will issue a permit within 45 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 21 days following the date of notification, the application will be discarded.

(d) *Surrender.* (1) A permit issued for a vessel may be surrendered by the owner thereof by certified mail addressed to the Regional Director.

(2) The Regional Director will reissue a permit which has been surrendered within 45 days from the date the reissuance was requested.

(e) *Expiration.* A permit expires on December 31 of each year.

(f) *Duration.* A permit is valid until it is voluntarily returned or expires or is revoked, suspended, or modified under 15 CFR part 904.

(g) *Alteration.* Any permit which has been altered, erased, or multilated is invalid.

(h) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(i) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the vessel for which it is issued.

(j) *Display.* Any permit issued under this part must be carried aboard the fishing vessel at all times. The permit must be displayed for inspection at the request of an authorized officer.

(k) *Suspension and revocation.* Subpart D of 15 CFR part 904 governs the imposition of sanctions against a permit issued under this part.

(l) *Fees.* No fee is required for any permit under this part.

(m) *Change is application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director within 15 days of the change. Failure to report a change in information within 15 days of the change invalidates the permit.

(n) *Exempted fisheries program.* Any permit holder may initially request entry into the exempted fisheries program under § 651.22 by telephoning 617-281-4454. The permit holder must give his/her name, vessel name, vessel permit number, the specific exemption requested, the starting date and estimated duration of participation in the program, and the area of operation. The permit holder must have the letter of certification, which will be issued within one week, aboard at all times while engaged in an exempted fishery.

[52 FR 35094, Sept. 17, 1987; 52 FR 39537, Oct. 22, 1987]

§ 651.5 Recordkeeping and reporting. [Reserved]

§ 651.6 Vessel identification.

(a) *Vessel name.* Each fishing vessel subject to this part over 25 feet in length must display its name on the port and starboard sides of its bow and, as possible, on its stern.

(b) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be visible from above.

(c) *Numerals.* Except as provided in paragraph (e) of this section, the official number must be permanently affixed to each vessel subject to this part in contrasting block Arabic numerals at least 18 inches in height for vessels over 65 feet in length, and at least 10 inches in height for vessels over 25 feet in length. The length of a vessel, for purposes of this section, will be that length set forth in U.S. Coast Guard or State records.

(d) *Duties of owner and operator.* The owner and operator of each vessel subject to this part will

(1) Keep the vessel's name and official number clearly legible and in good repair, and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

(e) *Nonpermanent markings.* Vessels carrying recreational fishing parties on a per capita basis or by charter must use markings that meet the above requirements, except for the requirement that its number be affixed permanently to the vessel. The official number must be displayed in conformity with the above requirements when the vessel is fishing for multispecies finfish.

[52 FR 35094, Sept. 17, 1987; 52 FR 39537, Oct. 22, 1987]

§ 651.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person owning or operating a vessel issued a permit under § 651.4 to do any of the following:

(1) Land or possess any regulated species which fails to meet the minimum fish sizes specified in § 651.23.

(2) Fail to affix and maintain permanent markings as required by § 651.6.

(b) It is unlawful for any person to do any of the following:

(1) Use any vessel of the United States (except recreational fishing vessels) for taking, catching, harvesting or landing any regulated species taken from the EEZ unless the vessel has a valid permit issued under this part and the permit is aboard the vessel.

(2) Fish within the areas described in § 651.20(a) with nets smaller than the minimum size specified in § 651.20(b) unless the vessel is certified in an exempted fisheries program established under § 651.22.

(3) Fish within the areas described in § 651.20(a) outside of the exempted fisheries area specified in § 651.22(a) while the vessel is certified to participate in the exempted fisheries program under § 651.22.

(4) Fish in either area specified in § 651.21 during a period in which that area is closed, unless allowed by that section.

(5) Fail to comply with the gear-marking requirements of § 651.25.

(6) Import regulated species which are smaller than the minimum sizes specified in § 651.23.

(7) Make any false statement in connection with an application under § 651.4.

(8) Violate any provisions of the exempted fisheries program specified in § 651.22.

(9) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvest, landing, purchase, sale, possession, or transfer of any regulated species.

(10) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcement this part.

(11) Enter the area described in § 651.21(a)(2) during a period in which that area is closed, unless allowed by § 651.21(a).

(c) [Reserved]

(d) *Presumption.* The possession for sale of regulated species which do not meet the minimum sizes specified in § 651.23 for sale will be *prima facie* evidence that such regulated species were taken or imported in violation of these regulations. Evidence that such fish were harvested by a vessel not holding a permit under this part and fishing exclusively within State waters will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

[52 FR 35094, Sept. 17, 1987, as amended at 53 FR 24657, June 29, 1988; 54 FR 4800, Jan. 31, 1989]

§ 651.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 651.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 651.20 Regulated mesh area and gear limitations.

(a) The mesh sizes stated in paragraphs (b) and (c) of this section will apply to all vessels fishing within the area defined by accepted boundary limits and by straight lines (rhumb lines) connecting the following points in the order stated:

(1) *Gulf of Maine/Georges Bank regulated mesh area* (figure 1):

(i) Bounded on the east by the U.S.-Canada maritime boundary, defined by the following points in the order stated:

Point	Latitude	Longitude
L	Southward along the irregular U.S.-Canada maritime boundary from the territorial sea	
K	43°58′ N	67°22′ W.
M	42°53.1′ N	67°44.4′ W.
F	42°31′ N	67°28.1′ W.
G	41°18.6′ N	66°24.8′ W.

(ii) Bounded by straight lines connecting the following points in the order stated:

Point	Latitude, longitude	Loran C bearings
N1	40°55.5′ N, 66°38.0′ W	5930–Y–30750 and 9960–Y–43500.
N2	40°45.5′ N, 68°00 W	9960–Y–43500 and 68°00′ W.
N3	40°37.0′ N, 68°00′ W	9960–Y–43450 and 68°00′ W.
N4	40°30.5′ N, 69°00′ W	9960–Y–43450 and 69°00′ W.
N5	40°22.7′ N, 69°00′ W	9960–Y–43400 and 69°00′ W.
Z	40°18.7′ N, 69°40′ W	9960–Y–43400 and 69°40′ W.
A	40°33.5′ N, 69°40′ W	
B	41°35.0′ N, 69°40′ W	
C	41°35.0′ N and the territorial sea.	

NOTE.—Loran lines are included for the convenience of fishermen.

(iii) Northward along the territorial sea of Massachusetts, New Hampshire, and Maine to the U.S.-Canada maritime boundary at Point L.

(2) *Nantucket Shoals regulated mesh area* (figure 4): Bounded by straight lines connecting the following points in the order stated:

Point	Latitude, longitude	Loran C bearings
NS1	41°24.0′ N, 69°59.0′ W	9960–Y–43850 and 69°59′ W.
NS2	41°26.0′ N, 69°40.0′ W	9960–Y–43850 and 69°40′ W.
NS3	41°56.5′ N, 69°40.0′ W	9960–Y–43650 and 69°40′ W.
NS4	41°51.5′ N, 70°14.0′ W	9960–Y–43650 and 9960–X–25175.
NS5	41°00.0′ N, 70°17.5′ W	9960–Y–25175 and 41°00′ N.
NS6	41°10.0′ N, 70°19.0′ W	9960–X–25175 and 41°10′ N.
NS7	41°15.5′ N, 70°18.5′ W	9960–X–25175 and 41°15.5′ N.

and then to NS1 following the seaward limit of the territorial sea.

NOTE.—Loran lines are included for the convenience of fishermen.

(i) This area will be in effect for the months of December through March, inclusive, unless suspended pursuant to § 651.20(a)(2)(ii).

(ii) The Regional Director may suspend this Regulated Mesh Area (RMA) by notice in the FEDERAL REGISTER, if he/she determines that concentrations of juvenile cod are not sufficiently abundant in the area to warrant protection by the RMA.

(b) *Trawl nets*—(1) *Diamond mesh.* (i) Except as provided for in §§ 651.20(b)(3), 651.20(d) and 651.22, the minimum mesh size for any trawl net, including midwater trawls, or Scottish seine used by a vessel fishing in the mesh area described in paragraphs (a)(1) and (a)(2) of this section is 5½ inches for at least 75 continuous meshes forward of the terminus of the net. This provision shall expire effective December 31, 1989.

(ii) Effective January 1, 1990, except as provided for in §§ 651.20(b)(3), 651.20(d) and 651.22, the minimum mesh size for any trawl net, including midwater trawls, or Scottish seine used by a vessel fishing in the mesh area described in paragraphs (a)(1) and (a)(2) of this section is 5½ inches throughout the entire net.

(2) *Square mesh.* Vessels may use square mesh which the Regional Director has certified to be equivalent in terms of haddock escapement to the mesh sizes specified in paragraph (b)(1) of this section.

(3) *Selective shrimp gear.* Upon the recommendation of the Council, the Regional Director, after consultation with the Atlantic States Marine Fisheries Commission, may permit the use of gear with smaller mesh than that required in § 651.20(b)(1) for vessels in the shrimp fishery which use gear that has been demonstrated to allow adequate escapement of juvenile regulated species.

(c) *Gill nets.* (1) The minimum mesh size for any bottom-tending gill net used by a vessel fishing in the mesh areas described in paragraph (a) of this section will be the same as that specified under paragraph (b) of this section.

(2) In other portions of the New England area not subject to minimum mesh size restrictions under paragraph (b) of this section, the mesh in bottom-tending gillnets must be the same during the months of November through February as that in effect in the Regulated Mesh Area, as defined in paragraph (a)(1) of this section.

(d) *Midwater gear exception.* (1) For the RMA south of 42° N. latitude, fishing for Atlantic herring or blueback herring, mackerel, and squids may take place throughout the fishing year with mesh sizes less than the regulated size provided that:

(i) Midwater trawl gear is used exclusively;

(ii) The vessel deploying midwa
gear is permitted by the Regional
rector; and

(iii) The bycatch of regulated spec
does not exceed one percent by weig
of herrings, mackerel, and squids
board the vessel.

(2) For the RMA north of 42° 20′
latitude, fishing for herring and ma
erel may take place from Decemb
through May with mesh sizes l
than regulated size, provided that t
requirements of paragraphs (d)(1)
and (ii) of this section are met
that the bycatch of regulated spec
does not exceed 1 percent, by weig
of herrings and mackerel on board t
vessel.

(e) *Mesh measurements.* (1) Me
sizes are measured by a wedge-shap
gauge having a taper of two centim
ters in eight centimeters and a thic
ness of 2.3 millimeters, inserted in
the meshes under a pressure or pull
five kilograms. The mesh size will
the average of the measurements
any series of 20 consecutive mesh
The mesh in the regulated portion
the net will be measured at least fi
meshes away from the lacings, ru
ning parallel to the long axis of t
net.

(2) A fishing vessel may not use a
means or device which would obstru
the meshes on the top of the regulat
portion of a trawl net, except that o
net strengthener may be attach
(only at its outside edges) to the top
the regulated portion of a trawl net,
such net strengthener consists
mesh material similar to the materi
of the regulated portion of the net a
has a mesh size of the least twice t
authorized minimum mesh size. "T
of the regulated portion of the ne
means the 50 percent of the entire re
ulated portion of the net which (in
hypothetical situation) would not
in contact with the ocean botto
during a tow if the regulated porti
of the net were laid flat on the oce
floor.

(f) Except as provided in paragrap
(d) of this section, no vessel issued
permit under § 651.4 may have avai
able for immediate use any net, or a
piece of a net, not meeting the requir
ments specified in paragraphs (b) a
(c) of this section, or mesh that

rigged in a manner that is inconsistent with § 651.20(e)(2), while in the areas described in paragraph (a) of this section. A net that conforms to one of the three following specifications and which can be shown not to have been in recent use is considered to be not "available for immediate use":

(1) Nets stored below deck; or

(2) Nets stowed and lashed down on deck; or

(3) Nets which are secured in a manner approved by the Regional Director. After review and approval, the Regional Director shall specify alternative manner(s) of securing nets by notice in the FEDERAL REGISTER.

(4) Nets on vessels which have the towing wires detached from the gear.

[52 FR 35094, Sept. 17, 1987, as amended at 54 FR 4800, Jan. 31, 1989]

§ 651.21 Closed areas.

(a) *Georges Bank.* No person may fish within the following areas during the months of February through May.

(1) An area known as Closed Area I (figure 2) bounded by six straight lines (rhumb lines) connecting the following points in the order stated:

Point	Latitude	Longitude
a	40°53′ N.,	68°53′ W.;
b	41°35′ N.,	68°30′ W.;
c	41°50′ N.,	68°45′ W.;
d	41°50′ N.,	69°00′ W.;
e	41°30′ N.,	69°00′ W.;
f	41°30′ N.,	69°23′ W.; and
a	40°53′ N.	68°53′ W.

(2) An area known as Closed Area II (figure 2) bounded by three straight lines connecting the following points in the order stated:

Point	Latitude	Longitude
g	41°15′ N.,	67°00′ W.;
h	41°15′ N.,	66°22.4′ W. (the U.S.-Canada Maritime Boundary);
i	41°59.1′ N.,	67°00′ W. (the U.S.-Canada Maritime Boundary);
g	41°15′ N.,	67°00′ W.

(3) Exceptions. Paragraphs (a) (1) and (2) of this section do not apply—

(i) To longline vessels that fish with hooks having a gape of not less than 1.18 inches (30 mm), Closed Area I, only;

(ii) To pot gear designed and used to take lobsters; or

(iii) To dredges designed and used to take scallops.

(4) The Regional Director may open either or both Closed Areas I and II prior to the scheduled opening in May by notice in the FEDERAL REGISTER, if he determines that concentrations of spawning fish are no longer in the area(s).

(b) *Southern New England/Mid-Atlantic Region.* (1) Except as provided in paragraph (b)(3) of this section, during a closure, no person may fish within the area bounded by straight lines (rhumb lines) connecting the following points in the order stated (figure 3):

Point	Latitude	Longitude
A	40°33.5′ N.,	69°40′ W.;
N	40°28.5′ N.,	70°40′ W.;
O	40°40.5′ N.,	70°40′ W.;
P	40°30′ N.,	72°00′ W.;
Q	40°17.8′ N.,	72°00′ W.;
R	40°15.5′ N.,	72°20′ W.;
S	40°39.0′ N.,	72°20′ W.;
T	40°42.0′ N.,	72°00′ W.;
U	40°48.2′ N.,	72°00′ W.;
V	41°00′ N.,	70°49.5′ W.;
W	41°00′ N.,	70°30′ W.;
X	40°50′ N.,	70°30′ W.;
Y	40°50′ N.,	69°40′ W.; and
A	40°33.5′ N.,	69°40′ W.

(2) The area defined in paragraph (b)(1) of this section will be regulated as follows:

(i) The portion of the area east of 71°30′ W. longitude will close on March 1 each year and the portion west of 71°30′ W. longitude will close on April 1 each year.

(ii) The entire area will be reopened at 2400 hours on May 31 of each year, or at an earlier date after May 1 by notice in the FEDERAL REGISTER, when the Regional Director, after consultation with Council, determines that the closure has achieved the appropriate spawning level for yellowtail and winter flounder.

(3) *Exceptions.* (i) Paragraph (b)(1) of this section does not apply—

(A) To pot gear designed and used to take lobsters;

(B) To dredge gear designed and used to take ocean quahogs or surf clams; and

(C) Hook-and-line gear; however, the possession of yellowtail flounder by persons or vessels fishing with hook and line gear within this area is prohibited.

(ii) In the Southern New England Closed Area described in § 651.21(b), fishing with midwater trawl gear may be permitted by the Regional Director. Any person intending to use midwater trawl nets in the area described in paragraph (b) of this section must notify the Regional Director in writing 30 days prior to the date on which the nets will be used. The Regional Director will issue a letter certifying the use of such nets. Fishing in these areas with midwater trawl nets may not commence without a letter of certification carried aboard the vessel. A vessel conducting such fishing may not retain aboard or land any regulated species.

[52 FR 35094, Sept. 17, 1987; 52 FR 39537, Oct. 22, 1987, as amended at 54 FR 4801, Jan. 31, 1989]

§ 651.22 Exempted fishery program.

(a) *General.* The Regional Director will establish and implement an exempted fishery program to allow fishing vessels to engage in small mesh fisneries for species which require the use of mesh smaller than the size specified in § 651.20(b).

(1) Exempted fishing may be conducted shoreward of the area bounded by the straight lines (rhumb lines) connecting the following points in the order stated (figure 1):

Point	Latitude	Longitude
B	41°35′ N.,	69°40′ W.;
C	41°35′ N. and the territorial sea;.	
H	42°49.5′ N.,	69°40′ W.;
I	43°12′ N.,	69°00′ W.;
J	43°41′ N.,	68°00′ W.;
K	43°58′ N.,	67°22′ W. (the U.S.-Canada maritime Boundary); and
L	Northward along the irregular U.S.-Canada maritime boundary to the territorial sea..	

(2) The eastern boundary of the December-January combined whiting and shrimp exempted fishery is 69°00′ W. longitude (figure 1).

(b) *Entry.* (1) Any person owning or operating a vessel issued a valid Federal multispecies finfish permit may apply to fish under the exempted fisheries program by following the procedures set forth in § 651.4(n).

(2) The period of participation must be for at least 7 days, but not longer than 30 days. There is no limit on the number of times a vessel can apply to participate in the exempted fisheries program.

(c) *Certification.* (1) The Regional Director will certify in writing the entry of the applicant into the exempted fisheries program.

(2) Entry of the applicant into the exempted fisheries program cannot occur until the applicant receives written certification from the Regional Director.

(3) The Regional Director may suspend current participation or deny entry into the exempted fishery program, or both, to an applicant if:

(i) The Regional Director determines that the applicant has failed to file reports as required by § 651.22(f); or

(ii) The applicant violates any provision of these regulations or of the Magnuson Act, providing a notice of violation and assessment for such violation has been issued to the applicant.

(4) With respect to any suspension or denial for failure to report under paragraph (c)(3)(i) of this section, the Regional Director may reinstate the applicant or approve the applicant's request to enter the exempted fishery program for subsequent reporting periods; if the applicant submits, and the Regional Director receives, completed missing reports. For missing reports received within 5 calendar days of suspension or denial, the Regional Director shall decide whether reinstatement is appropriate within 14 calendar days of receiving the missing reports. For missing reports received after the calendar days of suspension or denial, the Regional Director shall decide within 30 calendar days of receiving the reports. The Regional Director's

authority to suspend participation in or deny entry into the exempted fishery program is separate and distinct from any civil penalty assessed under § 651.7(b)(8).

(d) *Commencement of fishing.* Fishing under the exempted fisheries program may begin after the applicant has received the certification from the Regional Director provided that this letter is retained aboard the vessel.

(e) *Limitations.* (1) During the period of participation in the exempted fisheries program, the vessel may not be employed to fish in the regulated mesh areas outside the area specified in paragraph (a) of this section. A vessel may not land regulated species in excess of the percentages specified in paragraph (e)(2) of this section over the period of participation in the program.

(2) Participation in the exempted fisheries program is subject to seasonal limitations, exempted species, and maximum regulated species percentage restrictions as follows:

Period	Target species	Comments
June through November	Dogfish, herring, mackerel, ocean pout, red hake, silver hake, and squid.	Regulated species weight may not exceed 10% of the total landings of dogfish, herring, mackerel, ocean pout, red hake, silver hake, and squid during the reporting period. Regulated species weight may not exceed 25% of the combined weight of dogfish, herring, mackerel, ocean pout, red hake, silver hake, and squid on each trip.
December through January	Silver hake (whiting)	Regulated species weight may not exceed 10% of the total landings of silver hake and shrimp during the reporting period. Regulated species weight may not exceed 25% of the combined weight of silver hake and shrimp on each trip.
December through May, or as specified by ASMFC[1].	Shrimp	Regulated species weight may not exceed 10% of the total landings of shrimp during the reporting period. Regulated species weight may not exceed 25% of the weight of shrimp on each trip.

[1] The Northern Shrimp Section of the Atlantic States Marine Fisheries Commission is responsible for the management of northern shrimp. The Section has designated a regulatory period from December through May within which it sets the annual fishing season for northern shrimp. The Section has the authority to adjust the regulatory period or add additional measures appropriate for the conservation of northern shrimp. The Section will consult with the New England Fishery Management Council regarding recommendations to adjust the regulatory period, with respect to the management of multispecies.

(3) Adjustments in the seasons, species or percentages of the exempted fisheries will be accomplished by regulatory amendment.

(f) *Recordkeeping and reporting.* The reporting period for the exempted fisheries will be 30 calendar days. Within one week from the expiration of the reporting period or withdrawal from the program under paragraph (g) of this section, or receipt of a notice of revocation under paragraph (h) of this section, the participant must mail or deliver to the Regional Director a NOAA Form 88-153 "Fishing Vessel Record", or business records that provide equivalent information, listing in pounds all fish landed during participation in the exempted fishery program on a trip-by-trip basis, or documentation that no fishing occurred. If no fish were landed, the participant must submit a document indicating no landings. The participant must provide, upon request of the Regional Director or his designee, trip landing records, kept in the normal course of business, that are certified as accurate by both the buyer and the seller for one year after his participation in the exempted fishery program to confirm the information required in NOAA Form 88-153. Buyer certification may be satisfied by the buyer's signature on the trip record that is retained by the seller (vessel operator). The responsible fishing vessel owner or opertor may alternatively maintain accurate trip-by-trip landings data on a

NOAA Form 88-153 provided on request from the Regional Director.

(g) *Expiration or withdrawal.* Participation in the program expires at the end of the participation period under § 651.4(n), or when the owner's or vessel's name changes, or when a participant who has been duly operating in the program for at least 7 days notifies the Regional Director of his/her intent to withdraw from the program. Such withdrawal will be effective when the participant receives notice of the withdrawal from the Regional Director.

(h) *Revocation.* The Regional Director may end the participation of any applicant in the exempted fisheries program upon issuance of a notice of violation and assessment for violating any provisions of the program or the Magnuson Act. Notification will be in writing and will take effect upon receipt by the participant.

[52 FR 35094, Sept. 17, 1987, as amended at 54 FR 4801, Jan. 31, 1989]

§ 651.23 Minimum fish size.

(a) The minimum fish sizes (total length) for certain regulated species follow:

	Inches
Cod, haddock, and pollock	19
Witch flounder (gray sole)	14
Yellowtail flounder	13
American plaice (dab)	14
Winter flounder (blackback)	11
Redfish	9

(b) The minimum lengths allowed by paragraph (a) of this section are measured on a straight line from the tip of the snout to the end of the tail.

[52 FR 35094, Sept. 17, 1987, as amended at 54 FR 4802, Jan. 31, 1989]

§ 651.24 Experimental fishing.

The Secretary may authorize experimental fishing, which is not otherwise authorized by these regulations, for the acquisition of information.

§ 651.25 Gear marking requirements.

(a) Bottom-tending fixed gear (gill nets and longlines) fishing for multispecies finfish must have the name of the owner or vessel, or the official number of that vessel, permanently affixed to any buoys, gill nets, or longlines.

(b) Bottom-tending gill net or longline gear must be marked so that the westernmost end (measuring the half compass circle from magnetic south through west to and including north) of the gear displays a standard 12-inch tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 feet above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to and including south) of the gear must display only the standard 12-inch tetrahedral radar reflector positioned in the same way.

(c) The maximum length of continuous gill nets must not exceed 6,600 feet between the end buoys.

(d) In the Gulf of Maine regulated mesh area specified in § 651.20, sets of gill net gear which are of an irregular pattern or which deviate more than 30 degrees from the original course of the set will be marked at the extremity of the deviation with an additional marker which must display two or more visible streamers and may either be attached to or independent of the gear.

[52 FR 35094, Sept. 17, 1987; 52 FR 37150, Oct. 5, 1987]

§ 651.26 Flexible Area Action System.

(a) The Chairman of the Committee, upon learning of the presence of discard problems associated with large concentrations of juvenile, sublegal, or spawning multispecies finfish, will determine if the situation warrants further investigation and possible action. In making this determination, the Chairman will consider the amount of discard of regulated species, the species targeted, the number and types of vessels operating in the area, the location and size of the area, and the resource condition of the impacted species. If he determines it is necessary, the Chairman will request the Regional Director to initiate a fact finding investigation to verify the situation.

(b) The Chairman will request the Regional Director to publish a notice in the Federal Register. The request must include a complete draft of the

. The Secretary must file the
within one business day follow-
eceipt of the complete request.
is designated when the notice is
with the Office of the Federal
ter. The notice will inform the
of:
The problem that is occurring
he need for action;
The Regional Director's initi-
of fact finding and verification
problem;
The date (Day 15) the Regional
tor's fact finding report, respond-
the Chairman's request, will be
ble for public review;
The date (Day 21) by which a
nittee meeting/public hearing
e held and on which the com-
period will close;
The potential extent of the area
affected (defined by common
latitude/longitude coordinates
r LORAN coordinates);
The species affected;
The types of gear used;
Other fisheries potentially im-
d;
Predominant ports to be impact-

The expected duration of
n;
The types of action which may
ken, limited to the various man-
ent measures currently imple-
ed by the FMP;
The Council's initiation of anal-
f the impacts; and
The date (Day 15) the Council's
t analysis will be available for
review; and
A request for written comments.
From Day 1 through Day 14 the
ving activities will take place:
The Regional Director shall pre-
a fact finding report which will
ine available information from
ollowing sources (in order of pri-
:
Sea sampling from the NMFS Do-
c Sea Sampling Program or from
agency sources;
Port sampling from the NMFS
stics Investigation; or
Any other source of informa-

examining the facts, the Region-
irector will provide a technical
sis to determine the magnitude
of discard of juvenile and sublegal multispecies finfish and the presence and amount of spawning outside of any area/season restriction. If possible, he will provide technical analyses describing the nature of the impacts on the stock managed under the FMP. The report will specify what type of activities will be required to monitor the area/fishery in question if subsequent action is taken under this section. The report shall also include a statement of NMFS's capabilities for administering, monitoring, and enforcing any of the proposed options.

(2) The Council will prepare an economic impact analysis of the potential management options under consideration.

(d) By Day 15, copies of the reports prepared by the Regional Director and the Council will be made available for public review from the Council at Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01906.

(e) By Day 21, provided that it is six days after release of the fact finding report required by paragraphs (c) (1) and (d) of this section, the Committee will hold a meeting/public hearing at which time it will review the Regional Director's fact finding report and the Council's impact analysis. Public comment on the reports, alternatives, and potential impacts will be requested for the Committee's consideration. Upon review of all available sources of information, the Committee will determine what course of action is warranted by the facts and make its recommendation to the Regional Director. The Committee's recommendation will be limited to:

(1) Mesh size restrictions, catch limits, closure of an area to all or certain types of gear or vessels, or other measures less restrictive than the closure but already contained within and implemented by the FMP;

(2) Between three weeks and six months in duration; and

(3) Discrete geographical areas, taking into consideration such factors as manageability of the area, readily identifiable boundaries (natural or otherwise), accessibility of the area, and the area's suitability for monitoring and enforcement activities.

If the Committee recommends that action is not warranted, and the Regional Director concurs, notice will be published in the FEDERAL REGISTER stating that no action will be taken and specifying the rationale behind the Committee's decision.

(f) By Day 23 the Regional Director shall: (a) Accept the Committee's recommended management action; or (b) reject the Committee's recommendation. If the Regional Director accepts the Committee's recommendation, the action will be implemented through notice in the FEDERAL REGISTER to be filed by Day 26. If the Regional Director rejects the Committee's recommendation, the Regional Director must write to the Committee and explain that the recommended action has been determined not to be consistent with the record established by the fact finding report, impact analysis, and comments received at the public hearing.

(g) By Day 26, notice will be sent to all vessel owners holding Federal Fisheries Permits for Northeast Multispecies Finfish. The Regional Director will also use other appropriate media, including but not limited to mailings to the news media, fishing industry associations and radio broadcasts, to disseminate information on the action to be implemented.

(h) Once implemented, the Regional Director will monitor the affected area to determine if the action is still warranted. If the Regional Director determines that the circumstances under which the action was taken, based on the Regional Director's report, the Council's report and the public comments, are no longer in existence, he will terminate the action by notice in the FEDERAL REGISTER and through other appropriate media.

(i) Actions taken under this section will ordinarily become effective upon the date of filing with the FEDERAL REGISTER. The Regional Director may determine that facts warrant a delayed effective date.

(j) If the date specified above for completion of an action falls on a Saturday, Sunday, or Federal holiday, it shall be performed by the first day which is not a Saturday, Sunday, or Federal holiday. Failure to complete any action by the specified date shall not vitiate the authority of the Regional Director to implement an accepted recommendation of the Committee; provided, that no meeting/public hearing under paragraph (e) of this section may be held prior to the sixth day after the day by which all reports required by paragraphs (c)(1) and (d) of this section have been made available for public review.

[54 FR 52804, Dec. 22, 1989]

FIGURES—PART 651

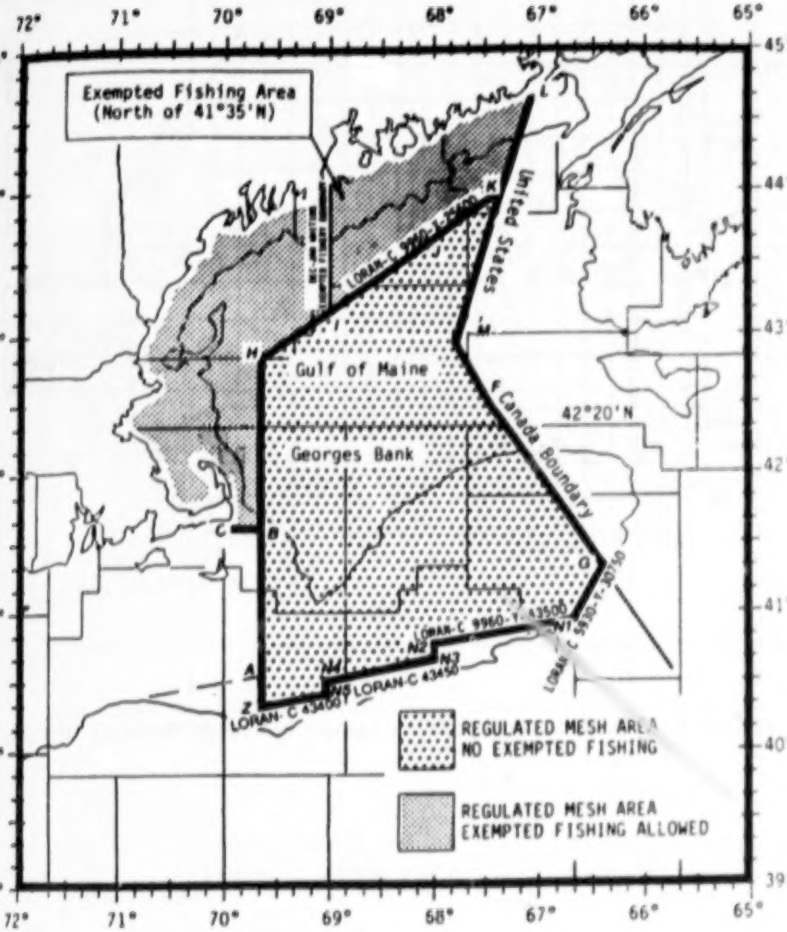

72°
71°
70°
69°
68°
67°
66°
65°
45°
44°
43°
42°
41°
40°
39°
Exempted Fishing Area
(North of 41°35'N)
United States
Canada Boundary
Gulf of Maine
Georges Bank
42°20'N
LORAN-C 9960-Y-25400
LORAN-C 9960-Y-43500
LORAN-C 43450
LORAN-C 43400
LORAN-C 5930-Y-30750
A
B
C
H
I
K
L
M
N1
N2
N3
N4
N5
O
Z
REGULATED MESH AREA
NO EXEMPTED FISHING
REGULATED MESH AREA
EXEMPTED FISHING ALLOWED

Figure 1. New England regulated mesh areas and areas of exempted and non-exempted fishing. See text for details. These areas are defined in 651.20(a)(1). Loran lines are included for the convenience of fishermen.

4 FR 4803, Jan. 31, 1989]

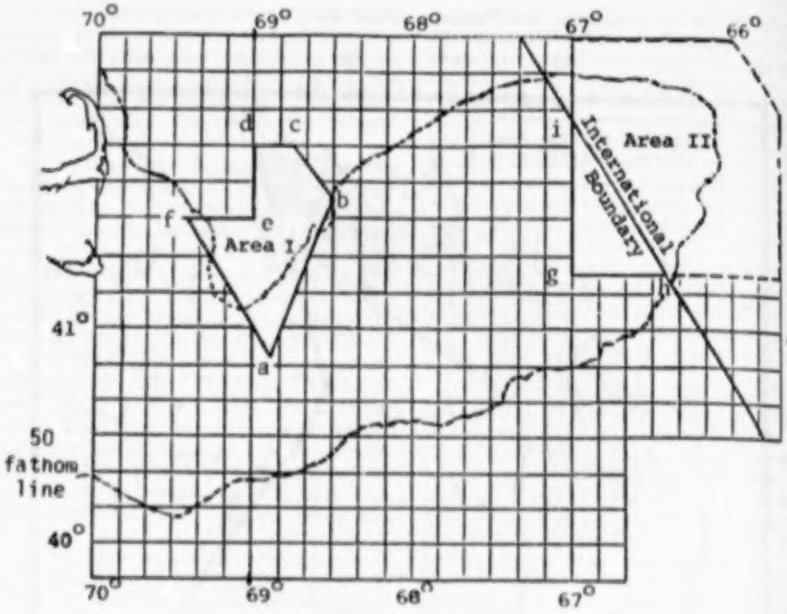

70°
69°
68°
67°
66°
d
c
i
Area II
International Boundary
b
f
e
Area I
g
j
41°
a
50 fathom line
40°
70°
69°
68°
67°

Figure 2. Georges Bank haddock spawning Closed Areas I and II.

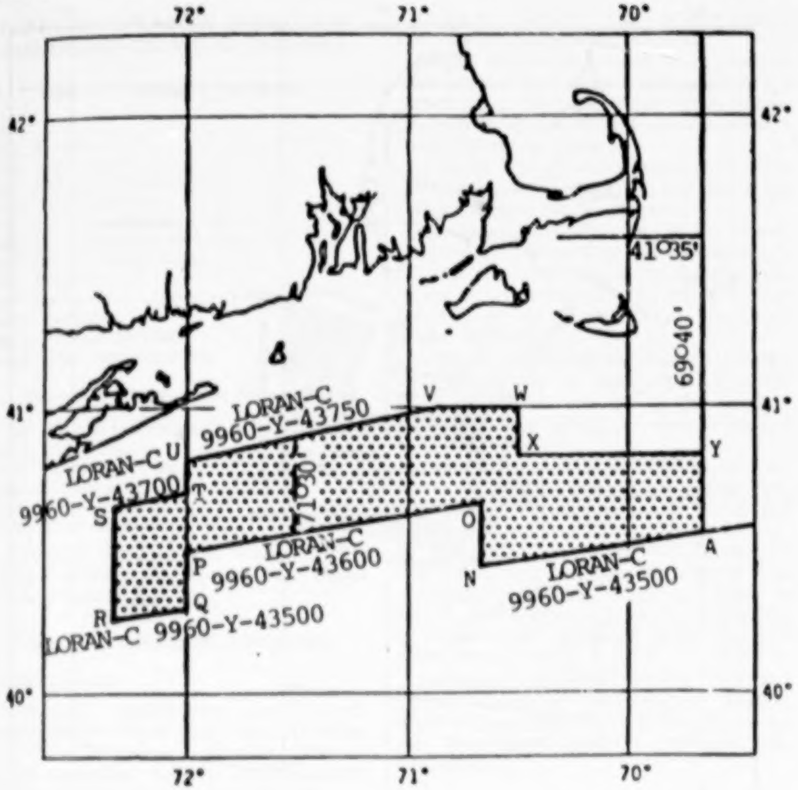

72°
71°
70°
42°
41°
40°
41°35'
69°40'
71°30'
LORAN-C 9960-Y-43750
LORAN-C 9960-Y-43700
LORAN-C 9960-Y-43600
LORAN-C 9960-Y-43500
LORAN-C 9960-Y-43500
V
W
X
Y
U
T
S
R
Q
P
O
N
A

Figure 3. Southern New England/Middle Atlantic region closure. Coordinates listed in §651.21(b).

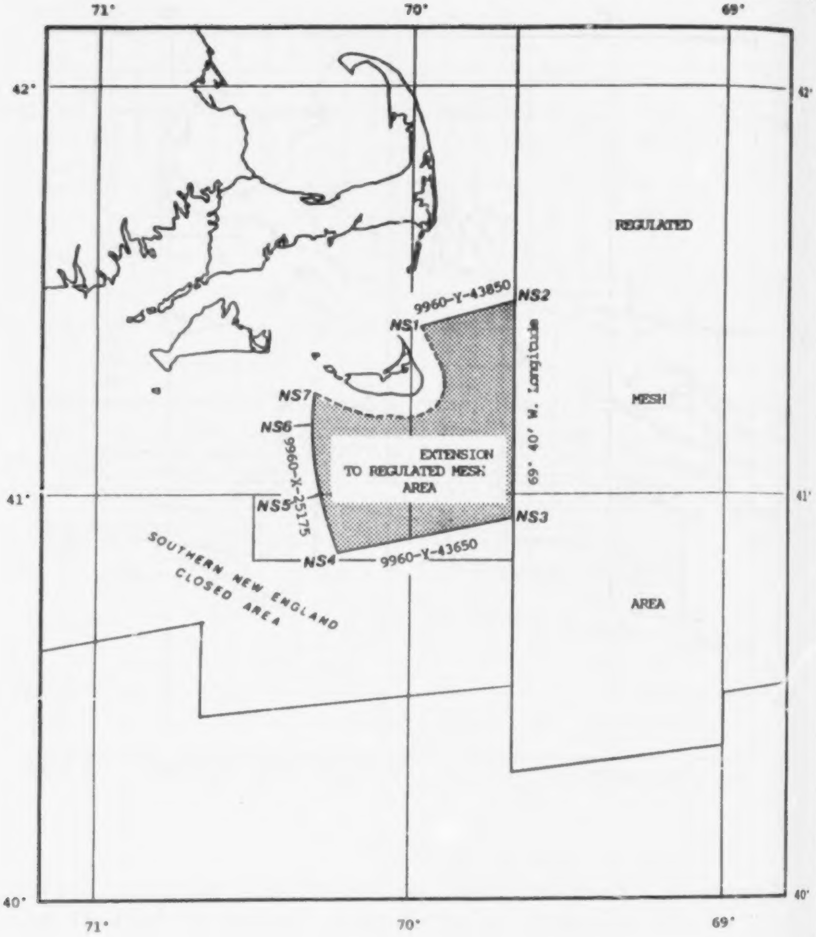

71°
70°
69°
42°
41°
40°
REGULATED
MESH
AREA
9960-Y-43850
NS1
NS2
NS7
NS6
NS5
NS4
NS3
9960-X-25175
EXTENSION TO REGULATED MESH AREA
69° 40' W. Longitude
9960-Y-43650
SOUTHERN NEW ENGLAND CLOSED AREA

Figure 4. Nantucket Shoals regulated mesh area. See text for details. This area is defined in 651.20(a)(2). Loran lines are included for the convenience of fishermen.

[54 FR 4804, Jan. 31, 1989]

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Subpart A—General Provisions

Sec.

652.1 Purpose.
652.2 Definitions.
652.3 Relation to other laws.
652.4 Vessel permits.
652.5 Processor/dealer permits.
652.6 Recordkeeping and reporting.
652.7 Vessel identification.
652.8 Prohibitions.
652.9 Facilitation of enforcement.
652.10 Penalties.
652.11 Foreign fishing.
652.12 Cage identification.

Subpart B—Management Measures

652.20 Annual individual allocations.
652.21 Catch quotas.
652.22 Size restriction.
652.23 Closed areas.
652.24 Shucking at sea.
652.25 Experimental fishery.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 55 FR 24190, June 14, 1990, unless otherwise noted.

Subpart A—General Provisions

§ 652.1 Purpose.

This part implements the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries as amended by the Mid-Atlantic Fishery Management Council in consultation with the New England Fishery Management Council. These regulations govern the conservation and management of surf clams and ocean quahogs.

§ 652.2 Definitions.

In addition to the definitions in the Magnuson Act, and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Bushel means a standard unit of measure deemed to hold 1.88 cubic feet (53.24 L) of surf clams or ocean quahogs in the shell.

Cage means a container with a standard unit of measure containing 60 cubic feet (1,700 L). The outside dimensions of a standard cage generally are 3′ (91 cm) wide, 4′ (122 cm) long and 5′ (152 cm) high.

Council means the Mid-Atlantic Fishery Management Council.

Dealer means a person who receives surf clams and ocean quahogs for a commercial purpose other than transport on land and who does not remove them from the cage.

Fishing trip means a departure from port, transit to the fishing grounds, fishing, and a return to port.

Land or landing means to begin offloading surf clams or ocean quahogs, to offload surf clams or ocean quahogs, or to arrive in port with the intention of offloading surf clams or ocean quahogs.

Offload or offloading means to separate physically a cage from a vessel such as by the removal of the sling or wire used to remove the cage from the harvesting vessel.

Personal use means harvest of surf clams or ocean quahogs for use as bait, for human consumption, or for other purposes (not including sale or barter) in amounts not to exceed 2 bushels (106.48 L) per person per fishing trip.

Processor means a person who receives surf clams or ocean quahogs for a commercial purpose and removes them from a cage.

Regional Director means the Regional Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2998. Telephone 508-281-9250.

§ 652.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

§ 652.4 Vessel permits.

(a) *General.* (1) *Requirement.* Any vessel of the United States fishing for surf clams or ocean quahogs, except vessels taking surf clams or ocean quahogs for personal use or fishing exclusively within state waters, must have a permit issued under this section aboard the vessel.

(2) *Condition.* Vessel owners or operators who apply for a fishing vessel permit under this section must agree as a condition of the permit that the vessel's fishing, catch, and pertinent gear (without regard to whether such fishing occurs in the EEZ or landward

of the EEZ, and without regard to where such fish or gear are possessed, taken, or landed) will be subject to all the requirements of this part; provided, however, that such owners or operators fishing within waters under the jurisdiction of any state that requires cage tags shall not be subject to conflicting Federal minimum sizes or tagging requirements. All such fishing, catch, and gear will remain subject to any applicable state requirements. If a requirement of this part differs from a management measure required by a state that does not require cage tagging, any vessel owner or operator permitted to fish in the EEZ must comply with the more restrictive requirement while fishing in state waters. However, surrender of a Federal vessel permit pursuant to § 652.4(n) allows an individual to comply with a less restrictive state minimum size requirement so long as fishing is conducted exclusively within state waters.

(b) *Eligibility.* Any vessel of the United States is eligible for a fishing vessel permit.

(c) *Application.* (1) The owner must submit a fishing vessel permit application on an appropriate form obtained from the Regional Director at least 45 days before the date the applicant desires to have the permit be effective. The application will contain at least the following information:

(i) Names, mailing addresses, and telephone numbers of the owner and operator or, if the owner is a corporation, the responsible corporate officer;

(ii) The name of the vessel;

(iii) The vessel's U.S. Coast Guard documentation number or State license number;

(iv) Engine and pump horsepower;

(v) Home port of the vessel;

(vi) Directed fishery or fisheries;

(vii) Fish hold capacity (in cages or bushels);

(viii) Dredge size and number of dredges;

(ix) Signature of the owner; and

(x) Any other information that may be necessary for the issuance or administration of the permit.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of such deficiency. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Issuance.* Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a fishing vessel permit to each vessel for which an application is submitted only if the vessel owner has submitted all required reports.

(e) *Transfer.* A fishing vessel permit is valid only for the vessel for which it is issued.

(f) *Display.* The fishing vessel permit must be carried, at all times, on board the vessel for which it is issued, and must be maintained in legible condition. The permit shall be subject to inspection upon request by any authorized official.

(g) *Alteration.* Any permit that is altered, erased, or mutilated is invalid.

(h) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit shall not be considered a new application.

(i) *Expiration.* A fishing vessel permit will expire on December 31 of each year.

(j) *Fees.* The Regional Director may, after publication in the FEDERAL REGISTER, charge a permit fee to recover administrative expenses.

(k) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified under 15 CFR part 904.

(l) *Change in application information.* Within 15 days after a change in the information contained in an application submitted under this section, the person issued the permit must report the change in writing to the Regional Director. The permit is void if a change in information is not reported.

(m) *Sanctions.* Procedures governing fishing vessel permit sanctions and denials are found at subpart D of 15 CFR part 904.

(n) *Surrender.* (1) A permit issued for a vessel may be surrendered by the owner thereof by certified mail addressed to the Regional Director.

(2) The Regional Director will reissue a permit that has been surrendered within 45 days from the date the reissuance was requested.

§ 652.5 Processor/dealer permits.

(a) *General.* Any processor or dealer of surf clams or ocean quahogs must have a permit issued under this section maintained at his/her principal place of business.

(b) *Application.* (1) An applicant must apply for a Processor/Dealer permit in writing to the Regional Director. The application must be signed by the applicant and submitted to the Regional Director at least 30 days before the date upon which the applicant desires to have the permit made effective. Applications must contain the name, principal place of business, mailing address, and telephone number of the applicant.

(2) The Regional Director will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(c) *Issuance.* Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit within 30 days of the receipt of a completed application.

(d) *Expiration.* A permit expires on December 31 of each year or if the ownership of the dealer or processor changes.

(e) *Duration.* Any permit issued under this section remains valid until it expires, is suspended, revoked, or ownership changes.

(f) *Alteration.* Any permit that is altered, erased, or mutilated is invalid.

(g) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit shall not be considered a new application.

(h) *Transfer.* A permit issued under this section is not transferable or assignable. It is valid only for the person to whom it is issued.

(i) *Inspection.* The person to whom a permit is issued under this section must maintain it at his/her principal place of business. The permit must be displayed for inspection upon request by an authorized officer or any employee of NMFS designated by the Regional Director.

(j) *Sanctions.* Procedures governing permit sanctions or denials are found at subpart D of 15 CFR part 904.

(k) *Fees.* The Regional Director may, after publication in the FEDERAL REGISTER, charge a permit fee.

(l) *Change in application information.* Within 15 days after a change in the information contained in an application submitted under this section, the person issued the permit must report the change in writing to the Regional Director. A permit is void if a change in information is not reported.

§ 652.6 Recordkeeping and reporting.

(a) *Processors and dealers.*

(1) *Processors—Weekly report.* Processors shall provide at least the following information to the Regional Director on a weekly basis, on forms supplied by the Regional Director:

(i) Date of purchase or receipt;

(ii) Name, permit number, and mailing address;

(iii) Number of bushels by species;

(iv) Cage tag numbers;

(v) Allocation permit number;

(vi) Vessel name and permit number;

(vii) Price per bushel by species;

(viii) Size distribution; and

(ix) Meat yield per bushel by species.

(2) *Dealers—Weekly report.* Dealers shall provide at least the following information to the Regional Director on a weekly basis, on forms provided by the Regional Director:

(i) Date of purchase or receipt;

(ii) Permit number and address;

(iii) Number of bushels by species;

(iv) Cage tag numbers;

(v) Allocation permit number;

(vi) Vessel name and permit number;

(vii) Price per bushel by species; and

(viii) Disposition of surf clams or ocean quahogs including name and permit number of recipient.

(3) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section shall also provide the following information to the Regional Director on an annual basis, on forms supplied by the Regional Director:

(i) Average number of processing plant employees during each month of the year just ended;

(ii) Average number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended;

(iii) Plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species;

(iv) An estimate, for the next year, of the capacities described in paragraph (a)(3)(iii) of this section; and

(v) Total payroll for surf clam and ocean quahog processing, by month.

If the capacities described in paragraph (a)(3)(iii) of this section change more than 10 percent during any year, the processor shall promptly notify the Regional Director.

(4) *Inspection.* A dealer or processor shall make the reports required by this paragraph available for inspection upon the request of an authorized officer or by an employee of NMFS designated by the Regional Director.

(5) *Record retention.* For one year from the date of entry on a record required by this paragraph, a dealer or processor shall keep each record at his/her principal place of business.

(b) *Vessel Owners and operators*—(1) *Daily fishing log.* The owner or operator of any vessel conducting any fishing operations, except those conducted exclusively in waters of a state that requires cage tags or when he/she has surrendered the Federal fishing vessel permit, shall maintain, on board the vessel, an accurate daily fishing log for each fishing trip, on forms supplied by the Regional Director, showing at least:

(i) Name and permit number of the vessel;

(ii) Total amount in bushels of each species taken;

(iii) Date(s) caught;

(iv) Time at sea;

(v) Duration of fishing time;

(vi) Locality fished;

(vii) Crew size;

(viii) Crew share by percentage;

(ix) Landing port;

(x) Date sold;

(xi) Price per bushel;

(xii) Buyer;

(xiii) Tag numbers from cages used;

(xiv) Quantity of surf clams or oce
quahogs discarded; and

(xv) Allocation permit number.

(2) *When to fill in log.* Owners or
erators shall fill in the daily fishi
log before landing any surf clams
ocean quahogs.

(3) *Inspection.* The owner or oper
tor shall make the logbook availab
for inspection upon the request of
authorized officer, or an employee
the NMFS designated by the Region
Director to make such inspections.

(4) *Record retention.* For one ye
after the date of the last entry in t
log, each owner or operator shall ke
each logbook at his/her princip
place of business.

(5) *Weekly reports.* The owner or o
erator shall submit weekly repor
(from the daily fishing logs) to the R
gional Director, on forms supplied
the Regional Director. If no fishi
trip is made during a week, a report
stating must be submitted.

§ 652.7 Vessel identification.

(a) *Official number.* The operator
each fishing vessel 25 feet (7.62 m)
length or longer subject to these reg
lations shall display its offici
number on the port and starboar
sides of the deckhouse or hull, and o
an appropriate weather deck, so as t
be visible from enforcement vessel
and aircraft. Vessels under 25 fee
(7.62 m) in length do not need to di
play any number. The official numbe
is the documentation number issue
by the U.S. Coast Guard or the certifi
cate of registration issued by a Stat
or the U.S. Coast Guard for undocu
mented vessels.

(b) *Markings.* Such markings mus
be at least 18 inches (45.7 cm) i
height for fishing vessels over 65 fee
(19.81 m) in length, and at least 1
inches (25.4 cm) in height for all othe
vessels over 25 feet (7.62 m) in length
The official number must be perma
nently affixed to or painted on th
vessel and must be block Arabic nu
merals of a color that contrasts with
the background.

(c) *Duties of the operator.* The operator of each vessel shall:

(1) Keep the required identifying markings clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) *New Jersey vessels.* Instead of complying with paragraphs (a) and (b) of this section, vessels licensed under New Jersey law may use the appropriate vessel identification markings established by that state.

§ 652.8 Prohibitions.

(a) In addition to the general prohibitions specified in 50 CFR part 620, it is unlawful for any person owning or operating a vessel issued a permit under § 652.4 to land or possess any surf clams that do not meet the minimum sizes specified in § 652.22, except when fishing exclusively within state waters as provided in § 652.4(a)(2).

(b) It is unlawful for any person owning or operating a vessel issued a permit under § 652.4, or issued an allocation permit under § 652.20, to do any of the following:

(1) Land or possess any surf clams or ocean quahogs in excess of an individual allocation; or

(2) Transfer any surf clams or ocean quahogs to any person for a commercial purpose other than transport, unless that person has a permit issued under § 652.5.

(c) It is unlawful for any person to do any of the following:

(1) Fish for surf clams or ocean quahogs in the EEZ during closed seasons;

(2) Fish for surf clams or ocean quahogs in the areas closed under § 652.23;

(3) Use a vessel of the United States for taking, catching, harvesting, or landing any surf clams or ocean quahogs taken from the EEZ unless the vessel has a valid permit required under this part and the permit is aboard the vessel and has not been surrendered, revoked, or suspended;

(4) Offload, cause to be offloaded, sell or buy any surf clams or ocean quahogs, whether on land or at sea, as an owner, operator, dealer, processor, buyer, or receiver in the surf clam or ocean quahog fishery, without preparing and submitting the documents required by § 652.6;

(5) Alter, erase, or mutilate any permit issued under §§ 652.4, 652.5, or 652.20;

(6) Alter, erase, mutilate, duplicate or cause to be duplicated, or steal any cage tag issued under § 652.12;

(7) Produce, or cause to be produced, cage tags required under § 652.12 without written authorization of the Regional Director;

(8) Tag a cage with a tag that has been rendered null and void or with a tag that has been previously used;

(9) Tag a cage of surf clams with an ocean quahog cage tag or tag a cage of ocean quahogs with a surf clam cage tag;

(10) Possess surf clams taken in violation of the size limits prescribed in § 652.22, unless taken consistently with § 652.4(a)(2);

(11) Possess an empty cage to which a cage tag required by § 652.12 is affixed or possess any cage that does not contain surf clams or ocean quahogs and to which a cage tag required by § 652.12 is affixed;

(12) Land or possess after offloading any cage holding surf clams or ocean quahogs without a cage tag or tags required by § 652.12, unless the person can demonstrate the inapplicability of the presumption therein;

(13) Fail to submit or maintain information, or submit or maintain false information in records and reports required to be kept or filed under § 652.6;

(14) Sell null and void tags;

(15) Shuck surf clams or ocean quahogs at sea unless permitted by the Regional Director under the terms of § 652.24;

(16) Receive for a commercial purpose other than transport surf clams or ocean quahogs landed under an allocation under § 652.20 without a permit issued under § 652.5;

(17) Land unshucked surf clams or ocean quahogs in containers other than cages from vessels capable of carrying cages;

(18) Offload unshucked surf clams or ocean quahogs from vessels not capable of carrying cages other than directly into cages;

(19) Fish for surf clams or ocean quahogs without giving prior notification, if required pursuant to § 652.9(a); or

(20) Violate any other provision of the Act, these regulations, or any applicable permit issued under §§ 652.4, 652.5 or 652.20.

(d) Possession of surf clams or ocean quahogs on the deck of any fishing vessel in closed areas, or the presence of any part of a vessel's gear in the water in closed areas, or the presence of any part of a vessel's gear in the water more than 12 hours after an announcement closing the entire fishery becomes effective, shall be prima facie evidence that such vessel was fishing in violation of the provisions of the Magnuson Act and the regulations.

§ 652.9 Facilitation of enforcement.

(a) The Regional Director may require vessel owners or operators to notify NMFS prior to the departure for or return from a fishing trip for surf clams or ocean quahogs. The Regional Director will publish a notice in the FEDERAL REGISTER specifying such notice requirement for a 30 day public comment period. After consideration of the public comments, the Regional Director may publish a final notice specifying the notice requirement.

(b) The vessel permits, the vessel, its gear, and catch shall be subject to inspection upon request by any authorized officer.

(c) Also see § 620.8 of this chapter.

§ 652.10 Penalties.

See § 620.9 of this chapter.

§ 652.11 Foreign fishing.

Fishing for surf clams or ocean quahogs in the EEZ by any vessel other than a vessel of the United States is prohibited.

§ 652.12 Cage identification.

(a) *Tagging.* Before offloading, all cages that contain surf clams or ocean quahogs must be tagged with tags acquired annually under paragraph (b) of this section. A tag must be fixed on or as near as possible to the upper crossbar of the cage for every 60 cubic feet (1,700 L), or portion thereof, of the cage. A tag or tags must not be removed until the cage is emptied by the processor, at which time the processor must promptly remove and retain the tag(s) for collection or disposal as specified by the Regional Director.

(b) *Acquisition.* The Regional Director will issue a supply of tags to each individual vessel owner qualifying for an allocation under § 652.20 prior to the beginning of each fishing year or he may specify, in the FEDERAL REGISTER, a vendor from whom the tags shall be purchased. The number of tags will be based on the owner's allocation. Each tag represents 32 bushels (1,700 L) of allocation.

(c) *Expiration.* Tags will expire at the end of the fishing year for which they are issued or if rendered null and void in accordance with 15 CFR part 904.

(d) *Return.* Tags that have been rendered null and void must be returned to the Regional Director.

(e) *Loss.* Loss or theft of tags must be reported by the owner numerically identifying the tags to the Regional Director by telephone as soon as the loss or theft is discovered and in writing within twenty-four hours. Thereafter, the reported tags shall no longer be valid for use under this part.

(f) *Replacement.* Lost or stolen tags may be replaced by the Regional Director if proper notice of the loss is provided by the person to whom the tags were issued. Replacement tags may be purchased from the Regional Director or a vendor with a written authorization from the Regional Director.

(g) *Transfer.* See § 652.20(f)(2).

(h) *Presumptions.* Surf clams or ocean quahogs found in cages without a valid state tag are deemed to have been harvested in the EEZ, and are part of an individual's allocation. This shall not apply if the individual can demonstrate that he/she has surrendered his/her Federal vessel permit issued under § 652.4 and conducted fishing operations exclusively within waters under the jurisdiction of any state. Surf clams or ocean quahogs in cages with a Federal tag or tags, issued and still valid pursuant to this section, affixed thereto are deemed to have been harvested by the individual allocation holder to whom the tags were issued or transferred under § 652.20(f).

Subpart B—Management Measures

§ 652.20 Annual individual allocations.

(a) *Allocation permits.* The Regional Director shall initially divide the quotas specified under § 652.21 by individual allocations among the owners of vessels having reported landings of surf clams or ocean quahogs between January 1, 1979, and December 31, 1988. Initial allocations shall be made, by species, in the form of an allocation permit issued to the vessel owner specifying the total number of bushels he/she is entitled to harvest, together with cage tags issued pursuant to § 652.12, based on the allocation percentage calculated in paragraph (b) of this section. Allocations in subsequent years shall be made by applying the allocation percentages to the annual quotas specified pursuant to § 652.21. These allocations shall be issued in the form of an allocation permit. The total number of bushels of allocation shall be divided by 32 to determine the appropriate number of cage tags to be issued or acquired under § 652.12. Amounts of allocation greater than 0.5 created by this division are rounded upward to allow an allocation to be specified in whole cages.

(1) *Issuance.* Except as provided in subpart D of 15 CFR part 904, the Regional Director shall issue annual allocation permits on or before December 15th to the registered holders of an allocation as of November 1st. The annual allocation permit shall specify the allocation percentage and allocation of surf clams and/or ocean quahogs in bushels, by species, which the allocation holder is authorized to harvest.

(2) *Duration.* An annual allocation permit is valid until December 31st unless it is suspended, modified, or revoked under 15 CFR part 904, or revised due to a transfer of all or part of the allocation percentage under paragraph (f) of this section.

(3) *Alteration.* An annual allocation permit that is altered, erased, or mutilated is invalid.

(4) *Replacement.* The Regional Director may issue a replacement permit upon written application of the annual permit holder.

(5) *Transfer.* The annual allocation permit is valid only for the person to whom it is issued. All or part of the allocation specified in the allocation permit may be transferred in accordance with paragraph (f) of this section.

(6) *Fees.* The Regional Director shall, after publication in the FEDERAL REGISTER, charge a permit fee before issuance of the permit to recover administrative expenses. Failure to pay the fee will preclude issuance of the permit.

(b) *Initial allocation formulas.* Individual allocations of surf clams and ocean quahogs shall be calculated as percentages of the annual quotas (to six digits to the right of the decimal point) based on the following formulas:

(1) *Surf clams.* (i) *Moratorium vessels.* For owners of vessels with permits to fish for surf clams in any Area (that is, vessels with permits issued pursuant to the moratorium), the initial surf clam allocation percentage shall be based on the following formula:

(A) *Historical Performance Component.* (*1*) The surf clam catch (in bushels) that each permitted vessel caught (based on logbook reports) for calendar years 1979, 1980, 1981, 1982, 1983, 1984, 1985 (counted twice), 1986 (counted twice), 1987 (counted twice), and 1988 (counted twice) shall be determined. This results in a total history of 14 data years for each vessel. Vessels that have had moratorium permits transferred to them will be credited with the surf clam catch history of the retired vessel(s).

(*2*) The two years with the vessel's lowest landings will be deleted from each vessel's history, leaving a total of 12 data years in each vessel's history.

(*3*) The 12-year history of each vessel is summed to a fleet total.

(*4*) The historical performance of each vessel relative to the entire fleet is calculated by dividing the individual history totals by the total for the fleet resulting in the historical ratio.

(B) *Vessel Size Component.* (*1*) A cubic factor for each vessel shall be calculated from its physical dimensions (vessel length × width × depth).

(*2*) The cubic factor for each vessel shall be summed for a fleet total.

(*3*) The relative size of each vessel to the total dimensions of the entire fleet is calculated by dividing each cubic factor by the total for the fleet resulting in the cubic ratio.

(C) *80/20 Composite Ratio.* A ratio for each vessel for which the vessel's historical performance contributes 80 percent and the vessel's physical size contributes 20 percent is obtained as follows: (0.8 × historical ratio) + (0.2 × cubic ratio).

(ii) *New England Vessels.* For owners of vessels with permits to fish for surf clams in only the New England Area, the initial surf clam allocation percentage shall be based on a formula consisting of the following steps:

(A) The surf clam catch (in bushels) that each permitted vessel caught (based on logbook reports) for those years the vessel actually reported landings for calendar years 1979 through 1988 shall be determined.

(B) The year with the lowest catch is deleted for those vessels with more than one landing year.

(C) The average annual catch for each vessel shall be calculated by summing the available data years and dividing by the number of years.

(D) A ratio shall be calculated for each vessel by dividing each vessel's average catch by the annual quota of 3,150,000 bushels.

(E) These vessel ratios shall be expressed in the form of percentages of the annual quota.

(iii) *Final Allocation Ratios.* Assigning final allocation percentages to all surf clam vessels requires that the, heretofore, independent calculations made for moratorium and New England vessels be merged. This shall be accomplished by adjusting the composite 80/20 ratios calculated for moratorium vessels to account for the portion of the quota assigned to New England vessels as follows:

(A) The ratios calculated for New England vessels are summed into a "total New England ratio." This number is subtracted from 1.0 to generate an "adjustment factor" to be applied to moratorium vessel ratios.

(B) Each of the 80/20 composite ratios for moratorium vessels is multiplied by the "adjustment factor" giving a sum total of 1.0 when the ratios for the moratorium and New England vessels are combined.

(C) These vessel ratios shall be expressed in the form of percentages of the annual quota.

(iv) The percentages, calculated under paragraphs (b)(1)(i), (ii), and (iii) as modified by transfers under paragraph (f), shall be applied to each year's annual quota to calculate each vessel owner's annual allocation.

(2) *Ocean quahogs.* For owners of vessels with permits to fish for Mid-Atlantic surf clams and ocean quahogs or with permits to fish for ocean quahogs, the initial ocean quahog allocation percentage shall be based on the following formula:

(i) The ocean quahog catch (in bushels) that each permitted vessel caught (based on logbook reports) for those years the vessel actually reported landings for calendar years 1979 through 1988 shall be determined with the year with the lowest catch deleted for those vessels with more than one landing year;

(ii) Vessels that have had moratorium permits transferred to them shall be credited with the ocean quahog catch history of the retired vessel(s);

(iii) The average annual catch for each vessel is then calculated by summing the available data years and dividing by the number of years. The average annual catches for each quahog vessel shall be summed to give a fleet total. Each vessel's ratio to this total shall be calculated by dividing each vessel's average catch by the fleet total;

(iv) These vessel ratios shall be expressed in the form of percentages of the annual quota; and

(v) The percentages, as modified by transfers under paragraph (f) of this section, shall be applied to each year's annual quota to calculate each vessel's annual allocation.

(c) *Notice of initial allocation.* After calculating the initial allocation in bushels, by species, to which each vessel owner is entitled, the Regional Director shall mail, by certified mail, such allocation to each eligible vessel

The Regional Director shall in-
he data and method that were
calculate the allocation.
ppeal of initial allocation. Ini-
ividual allocations may be ap-
to the Regional Director within
s of the receipt of the notice of
ion. Any such appeal must be in
. Any appeal must be based on
unds that the data used by the
al Director are incorrect, or
calculation is incorrect. Unfiled
sed weekly reports are inadmis-
evidence of error in calculating
cation.
he appeal may be presented, at
ion of the appellant, at a hear-
ore an officer appointed by the
al Director.
he decision on the appeal by
ional Director is the final deci-
the Department of Commerce.
inal allocation permit. Within
endar quarters from the effec-
e of these regulations, the Re-
Director shall issue final alloca-
rmits. The percentage share of
nual quota represented by the
location shall remain the same
ar unless all or part of the allo-
s transferred.
ransfer. (1) *Allocation percent-*
rt or all of an allocation per-
may be transferred, in
s equivalent to not less than
hels (8,500 L) (i.e., 5 cages) in
r in which the transfer is made,
person eligible to own a docu-
vessel under the terms of 46
12102(a). Such application for
by the allocation holder must
iting on a transfer log supplied
Regional Director. The applica-
st be submitted to the Region-
tor at least 10 days before the
which the applicant desires
sfer to be effective. The appli-
ust include the new allocation
name and address, the exact
of bushels to be transferred
es, the cage tags to be trans-
y number, and any other in-
n required by the transfer
lication for transfer may not
e between October 15th and
r 31st of each year. The
is not effective until the new
receives a new or revised annual allocation permit from the Regional Director.

(2) *Cage tags.* Cage tags issued pursuant to § 652.12 may be transferred in quantities of not less than five tags at any one time subject to the restrictions and procedure specified in paragraph (f)(1) above; provided that application for such cage tag transfers may be made at any time before December 10th of each year and the transfer is effective upon the receipt by the transferee of written authorization from the Regional Director.

(3) *Review.* The Regional Director shall review every application to transfer all or part of an allocation percentage or cage tags. If he determines that the applicant has been issued a Notice of Permit Sanction for a violation of the Magnuson Act that has not been resolved, he may decline to approve such transfer pending resolution of the matter.

EFFECTIVE DATE NOTE: Paragraph (g) of § 652.20, will no longer be effective after December 31, 1990. (See 55 FR 24190, June 14, 1990.) For the convenience of the user, paragraph (g) appears below.

§ 652.20 Annual individual allocations.

* * * * *

(g) *Partial Year 1990.* In 1990, the percentage share of the final allocation (paragraph (e) of this section) will be applied only to the portion of the 1990 annual quota that remains, or is estimated to remain, unharvested at the time the final allocation permits go into effect.

§ 652.21 Catch quotas.

(a) *Surf clams:* The amount of surf clams that may be caught annually by fishing vessels subject to these regulations will be specified by the Secretary, on or about December 1, within the range of 1,850,000 bushels (98.5 Ml) and 3,400,000 bushels (181 Ml).

(1) *Establishing quotas.* Prior to the beginning of each year, the Council, following an opportunity for public comment, will recommend to the Secretary quotas and estimates of domestic annual harvest (DAH) and domestic annual processing (DAP) within the ranges specified. In selecting the quota the Council shall consider current stock assessments, catch reports,

and other relevant information concerning:

(i) Exploitable and spawning biomass relative to the optimum yield;

(ii) Fishing mortality rates relative to the optimum yield;

(iii) Magnitude of incoming recruitment;

(iv) Projected effort and corresponding catches;

(v) Geographical distribution of the catch relative to the geographical distribution of the resource; and

(vi) Status of areas previously closed to surf clam fishing that are to be opened during the year and areas likely to be closed to fishing during the year.

The quota shall be set at that amount which is most consistent with the objectives of the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery. The Secretary may set quotas at quantities different from the Council's recommendations only if he can demonstrate that the Council's recommendations violate the national standards of the Magnuson Act and the objectives of the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan.

(2) *Report.* Prior to the beginning of each year, the Regional Director shall prepare a written report, based on the latest available stock assessment report prepared by the NMFS, data reported by harvesters and processors according to these regulations, and other relevant data. The report will include consideration of:

(i) Exploitable biomass and spawning biomass relative to optimum yield;

(ii) Fishing mortality rates relative to optimum yield;

(iii) Magnitude of incoming recruitment;

(iv) Projected effort and corresponding catches;

(v) Status of areas previously closed to surf clam fishing that are to be opened during the year and areas likely to be closed to fishing during the year; and

(vi) Geographical distribution of the catch relative to the geographical distribution of the resource.

(3) *Public review.* Based on the information presented in the report, and in consultation with the Council, the Secretary shall propose an annual surf clam quota and an annual ocean quahog quota and shall publish them in the FEDERAL REGISTER. Comments on the proposed annual quotas may be submitted to the Regional Director within 30 days after publication. The Secretary shall consider all comments, determine the appropriate annual quotas, and publish the annual quotas in the FEDERAL REGISTER on or about December 1 of each year as provided for in § 652.21(a).

(b) *Ocean quahogs:* The amount of ocean quahogs that may be caught by fishing vessels subject to these regulations shall be specified annually by the Secretary, on or about December 1, within the range of 4,000,000 bushels (213 Ml) to 6,000,000 bushels (319.4 Ml), following the procedures set forth in § 652.21(a) (1), (2), and (3).

§ 652.22 Size restriction.

(a) *Minimum length.* The minimum size for surf clams is 4.75 inches (12.065 cm).

(1) *Suspension.* Upon the recommendation of the Mid-Atlantic Fishery Management Council, the Regional Director may suspend annually by publication in the FEDERAL REGISTER the minimum size unless discard, catch, and survey data indicate that 30 percent of the clams are smaller than 4.75 inches (12.065 cm) and the overall reduced size is not attributable to beds where growth of the individual clams has been reduced because of density dependent factors.

(2) *Tolerance.* (i) No more than 50 clams in any cage may be less than 4.75 inches (12.065 cm).

(ii) If any inspected cage of surf clams is found to be in violation of paragraph (a)(2)(i) of this section, all cages landed by the same vessel from the same trip are deemed to be in violation of the size limit.

(b) *Measurement.* Length is measured at the longest dimension of the surf clam shell.

§ 652.23 Closed areas.

(a) *Areas closed because of environmental degradation.* Certain areas are closed to all surf clam and ocean quahog fishing because of adverse en-

ronmental conditions. These areas
ll remain closed until the Secretary
termines that the adverse environ-
ental conditions have been correct-
. If additional areas, due to the pres-
ce or introduction of hazardous ma-
rials or pollutants, are identified as
ing contaminated, they may be
sed in accordance with paragraph
of this section. The areas currently
sed are described as follows:

1) *Boston Foul Ground.* A waste dis-
al site known as the "Boston Foul
ound" and located at 42°25′36″ N.
itude and 70°35′00″ W. longitude
h a radius of one nautical mile in
ry direction from that point.

2) *New York Bight.* A polluted area
l waste disposal site known as the
ew York Bight Closure" and located
40°25′04″ N. latitude and 73°42′38″
longitude and with a radius of six
tical miles in every direction from
t point, extending further north-
tward, westward, and southwest-
d between a line from a point on
arc at 40°31′00″ N. latitude and
3′38″ W. longitude directly toward
ntic Beach Light in New York to
limit of state territorial waters of
York; and a line from a point on
arc at 40°19′48″ N. latitude and
5′42″ W. longitude to a point at
limit of the state territorial waters
ew Jersey at 40°14′00″ N. latitude
73°55′42″ W. longitude.

106 Dumpsite. A toxic industrial
p site known as the "106 Dump-
and located between 38°40′00″ N.
ude and 39°00′00″ N. latitude and
een 72°00′00″ W. longitude and
9′00″ W. longitude.

Areas closed because of small surf
s. Certain areas are closed be-
e they contain small surf clams.

Closure. The Secretary may close
rea to surf clam and ocean quahog
ng if he determines, based on log-
entries, processors' reports,
y cruises, or other information,
the area contains surf clams of
n:

60 percent or more are smaller
4.5 inches (11.43 cm) in size; and
Not more than 15 percent are
r than 5.5 inches (13.97 cm) in
Sizes are measured at the longest
nsion of the surf clam shell.)

(2) *Reopening.* The Secretary may reopen areas or parts of areas closed under paragraph (b)(1) of this section if he determines, based on survey cruises or other information, that:

(i) The average length of the dominant (in terms of weight) size class in the area to be reopened is equal to or greater than 4.75 inches (12.065 cm); or

(ii) The yield or rate of growth of the dominant size class in the area to be reopened would be significantly enhanced through selective, controlled or limited harvest of surf clams in the area.

(c) *Procedure.* (1) The Regional Director may hold a public hearing on the proposed closure or reopening of any area under paragraph (a) or (b) of this section. The Secretary shall publish notice, in the FEDERAL REGISTER, of any proposed area closure or reopening, including any restrictions on harvest in a reopened area. Comments on the proposed closure or reopening may be submitted to the Regional Director within 30 days after publication. The Secretary shall consider all comments and publish the final notice of closure or reopening, and any restrictions on harvest, in the FEDERAL REGISTER. Any adjustment to harvest restrictions in a reopened area shall be made by FEDERAL REGISTER notice. The Regional Director shall send notice of any action under this paragraph to each surf clam or ocean quahog processor and to each surf clam or ocean quahog permit holder.

(2) If the Regional Director determines as the result of testing by state, Federal, or private entities that a closure of an area under paragraph (a) of this section is necessary to prevent any adverse affects fishing may have on the public health, he may close the area for 60 days, by publication of notice in the FEDERAL REGISTER, without prior comment or public hearing. If an extension of the 60-day closure period is necessary to protect the public health, the hearing and notice requirements of paragraph (c)(1) shall be followed.

§ 652.24 Shucking at sea.

(a) *Observers.* (1) The Regional Director may allow the shucking of surf clams or ocean quahogs at sea if he determines that an observer carried aboard the vessel can measure accurately the total amount of surf clams and ocean quahogs harvested in the shell prior to shucking.

(2) Any vessel owner may apply in writing to the Regional Director to shuck surf clams or ocean quahogs at sea. The application shall specify:

(i) Name and address of the applicant;

(ii) Permit number of the vessel;

(iii) Method of calculating the amount of surf clams or ocean quahogs harvested in the shell;

(iv) Vessel dimensions and accommodations; and

(v) Length of fishing trip.

(3) The Regional Director shall provide an observer to any vessel owner whose application is approved. The owner shall pay all reasonable expenses of carrying the observer on board the vessel.

(4) Any observer shall certify at the end of each trip the amount of surf clams or ocean quahogs harvested in the shell by the vessel. Such certification shall be made by the observer's signature on the daily fishing log required by § 652.6.

(b) *Conversion factor.* (1) Based on the recommendation of the Council, the Regional Director may allow shucking at sea of surf clams or ocean quahogs, with or without an observer, if he determines a conversion factor for shucked meats to calculate accurately the amount of surf clams or ocean quahogs harvested in the shell.

(2) The Regional Director shall publish a notice in the FEDERAL REGISTER specifying a conversion factor together with the data used in its calculation for a 30 day comment period. After consideration of the public comments, and any other relevant data, the Regional Director may publish a final notice specifying the conversion factor.

(3) If the Regional Director makes the determination specified in paragraph (b)(1) of this section, he may authorize the vessel owner to shuck surf clams or ocean quahogs at sea. Such authorization shall be in writing and be carried aboard the vessel.

§ 652.25 Experimental fishery.

The Regional Director may authorize experimental fishing for surf clams or ocean quahogs in order to gather information necessary for management. Such experimental fishing will not require an allocation permit.

PART 653—RED DRUM FISHERY OF THE GULF OF MEXICO

Subpart A—General Provisions

Sec.

653.1 Purpose and scope.
653.2 Definitions.
653.3 Relation to other laws.
653.4 Permits and fees. [Reserved]
653.5 Recordkeeping and reporting.
653.6 Vessel identification. [Reserved]
653.7 Prohibitions.
653.8 Facilitation of enforcement.
653.9 Penalties.

Subpart B—Management Measures

653.20 Fishing year.
653.21 Quotas.
653.22 Harvest and landing limitations.
653.23 Closures. [Reserved]
653.24 Allowable catch and allocation procedures.
653.25 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 653.1 Purpose and scope.

The purpose of this part is to implement the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP) prepared by the Secretary of Commerce and amended by the Gulf of Mexico Fishery Management Council. The regulations in this part, except for § 653.5, apply to fishing for red drum by fishing vessels of the United States in the EEZ in the Gulf of Mexico. The reporting requirements in § 653.5 apply to vessels of the United States and persons participating in the fishery in both the EEZ and State jurisdictions.

[52 FR 34921, Sept. 16, 1987]

§ 653.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Acceptable biological catch (ABC) means a range of harvest levels which can be taken from a stock of fish while maintaining the stock at or near maximum sustainable yield and ensuring that recruitment overfishing does not occur. ABC may vary due to fluctuating recruitment, abundance, and intensity of fishing effort.

Commercial fishing (fishery) means fishing or fishing activities which result in the harvest of fish one or more of which (or part thereof) is sold, traded or bartered.

Directed commercial red drum fishing (fishery) means any commercial fishing activity in which the weight of red drum landed exceeds five percent of the total weight of all other fish on board.

Overfishing means a fishing mortality rate that prohibits attaining the spawning stock goal or threshold, which is established at a 20 percent spawning stock biomass per recruit (SSBR) ratio.

Primary area means the EEZ seaward of the fishery jurisdictions of Alabama, Mississippi, and Louisiana, bounded on the east by a line directly south from the boundary between Alabama and Florida (87°31.1′ W. longitude) to its intersection with the outer limit of the EEZ, and bounded on the west by a line beginning at the boundary between Texas and Louisiana (midpoint between the gulfward extension of the Sabine Pass jetties) to 29°32.1′ N. latitude, 93°47.7′ W. longitude, thence directly south to its intersection with the outer limit of the EEZ.

Processor means a person who processes fish or fish products or parts thereof for commercial use or consumption.

Red drum means *Sciaenops ocellatus*, also called redfish.

Regional Director means the Director, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702 (telephone 813-893-3141), or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Secondary areas means (a) the EEZ seaward of the fishery jurisdiction of Florida in the Gulf of Mexico and (b) the EEZ seaward of the fishery jurisdiction of Texas, with boundaries consistent with the immediately adjacent boundaries described for the primary area. For the purposes of this definition, the eastern boundary of the EEZ in the Gulf of Mexico is a line from the outer limit of the EEZ north along 83°00′ W. longitude to the outer limit of the waters of Florida off the Dry Tortugas Islands, thence in a clockwise direction around that outer limit to 24°35′ N. latitude, thence east along 24°35′ N. latitude to the outer limit of the waters of Florida off the Marquesas Keys.

Spawning stock biomass per recruit (SSBR) ratio is an index of the impact of fishing mortality on the lifetime reproductive potential of recruits to the population. With no fishing mortality, the SSBR is 100 percent. Combinations of fishing mortality and the average age at which a year class becomes subject to exploitation in the fishery give rise to lower levels of SSBR, all of which can be expressed as percentages of the maximum.

Total allowable catch (TAC) means the maximum permissible annual harvest from the primary area set from within or below the ABC range after consideration of biological, economic, and social factors and the risk of inducing recruitment overfishing associated with that harvest level.

[51 FR 46679, Dec. 24, 1986, as amended at 52 FR 34921, Sept. 16, 1987; 53 FR 24655, 24664, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 653.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) These regulations apply within the boundaries of any national park,

best copy available

monument, or marine sanctuary in the Gulf of Mexico.

(c) At such time as a TAC is specified, a person landing red drum other than from a directed commercial red drum fishery, must comply with the landing and possession laws of the State where landed.

[51 FR 46679, Dec. 24, 1986, as amended at 53 FR 24655, 24664, June 29, 1988]

§ 653.4 Permits and fees. [Reserved]

§ 653.5 Recordkeeping and reporting.

(a) *Dealers and processors.* Dealers and processors of red drum harvested from or landed in the Gulf of Mexico and who are selected by the Science and Research Director must report to the Science and Research Director such information as he may request and in the form and manner as he may require. The information required to be submitted must include, but is not necessarily limited to, the following:

(1) Dealer's or processor's name and address;

(2) State and county where red drum were landed; and

(3) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(b) *Inspection.* The owner or operator of commercial, charter, or recreational vessels, and dealers or processors of red drum are required upon request to make red drum or parts thereof available for inspection by the Science and Research Director for the collection of additional information or for inspection by an authorized officer.

[51 FR 46679, Dec. 24, 1986, as amended at 53 FR 24656, 24664, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 653.6 Vessel identification. [Reserved]

§ 653.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Conduct fishing operations in a way that causes wastage of red drum as specified in § 653.22(b).

(b) Falsify or fail to report information required to be submitted by § 653.5(a).

(c) Fail to make fish available for inspection as required by § 653.5(b).

(d) Retain on board a vessel or possess red drum in or from the secondary or primary areas of the EEZ as specified in § 653.22(a).

(e) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part.

[51 FR 46679, Dec. 24, 1986, as amended at 52 FR 34922, Sept. 16, 1987; 53 FR 24657, 24664, June 29, 1988]

§ 653.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 653.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 653.20 Fishing year.

The fishing year for red drum begins on January 1 and ends on December 31.

[53 FR 24664, June 29, 1988]

§ 653.21 Quotas.

TAC is zero for each fishing year.

[53 FR 24664, June 29, 1988]

§ 653.22 Harvest and landing limitations.

(a) *Harvest from the EEZ.* No red drum may be harvested or possessed in or from the secondary or primary areas of the EEZ. Red drum caught in the EEZ must be released immediately with a minimum of harm.

(b) *Wastage prohibited.* A person or vessel must conduct fishing operations in a way that minimizes wastage of red drum.

[52 FR 34922, Sept. 16, 1987, as amended at 53 FR 24664, June 29, 1988]

§ 653.23 Closures. [Reserved]

§ 653.24 Allowable catch and allocation procedures.

(a) Prior to October 1, each year, the Science and Research Director will:

(1) Update the stock assessment for red drum;

(2) Reassess the MSY level;

(3) Specify the best estimate of the standing stock and its age composition;

(4) Re-examine the spawning stock requirements (established as a spawning stock goal or threshold of a 20-percent SSBR ratio in relation to an unfished stock) and specify escapement levels of juvenile fish necessary to achieve these requirements;

(5) Specify the geographical variations in stock abundance, mortality, juvenile escapement, and recruitment;

(6) Summarize current and historical information on migratory movements of the stock; and

(7) Analyze social and economic data available in the fishery.

(b) The Council will appoint a scientific assessment group that will review the Science and Research Director's reports, current harvest statistics, and economic, social, and other relevant data and will prepare a written assessment report to the Council specifying a range of ABC for the primary area. The report will

(1) Set forth a risk analysis showing the probabilities of adversely impacting the spawning stock biomass (SSB) at each level of ABC and the economic and social impacts of those levels;

(2) Include consideration of fishing mortality rates, abundance relative to the established spawning stock goal or threshold, trends in recruitment, and whether overfishing is occuring.

(3) In specifying ABC, separately identify the quantity of the offshore population, in excess of the spawning stock goal or threshold, that may be harvested.

(4) When requested by the Council, include information on the levels of bag limits, size limits, specific gear harvest limits, and other restrictions required to attain the necessary escapement goal or prevent a user group from exceeding its allocation or quota under a TAC specified by the Council and on the economic and social impacts of such limits and restrictions.

(c) The Council will consider the report and recommendations of the scientific assessment group and relevant public comments. A public hearing will be held at the time and place the Council takes action on the report. Other public hearings may be held. The Council may convene its Red Drum Advisory Panel and Scientific and Statistical Committee to provide advice before taking action.

(d) In specifying TAC, the Council will consider the recommendations, comments, and advice provided for in paragraphs (b) and (c) of this section and will set TAC from within or below the ABC range by FMP amendment.

(e) If an offshore population (above annual surplus production) exceeds a SSB necessary to optimize recruitment, the percentage of the excess which may be included in the TAC will be set by the Council periodically but no more frequently than annually.

(f) The Council will make changes in use group allocations for the primary area, if any, by FMP amendment.

[52 FR 34922, Sept. 16, 1987, as amended at 53 FR 24664, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 653.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[51 FR 46679, Dec. 24, 1986]

PART 654—STONE CRAB FISHERY

Subpart A—General Measures

Sec.
654.1 Purpose and scope.
654.2 Definitions.
654.3 Relation to other laws.
654.4 Markings.
654.5 [Reserved]
654.6 Prohibitions.
654.7 Facilitation of enforcement.
654.8 Penalties.

Subpart B—Management Measures

654.20 Catch limitations.
654.21 Gear requirements.
654.22 Closed seasons.
654.23 Area restrictions.

Sec.
654.24 Zone modification procedures.
654.25 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*.

Subpart A—General Measures

§ 654.1 Purpose and scope.

The regulations in this part govern fishing for stone crabs by fishing vessels of the United States within that portion of the Gulf of Mexico along the west coast of Florida, including the Keys, in which the United States exercises exclusive fishery management authority under the Act. The regulations also affect vessels of the United States in the trawl fishery in that area.

[44 FR 53527, Sept. 14, 1979]

§ 654.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Biodegradable Panel means a panel constructed of wood or cotton material and located on the trap, at least two slats above the bottom, or on the top of the trap, which, when removed, will leave an opening in the trap measuring at least 2½" x 5".

Committee means Pasco, Hernando, and Citrus Counties Shrimping and Crabbing Advisory Committee or any successor committee designated as such by Florida.

Council means the Gulf of Mexico Fishery Management Council, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609.

FDNR means the Florida Department of Natural Resources.

FMFC means the Florida Marine Fisheries Commission.

FMP means the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico.

Live box means a container used for holding live stone crabs on board a vessel.

Management area means that area of the FCZ adjacent to the territorial sea off the west coast of Florida and off the south side of the Florida Keys.

Regional Director means the Regional Director, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Stone crab means *Menippe mercenaria, M. adina,* or the hybrid, *M. adina* X *M. mercenaria.*

[44 FR 53527, Sept. 14, 1979, as amended at 47 FR 3795, Jan. 27, 1982; 47 FR 41757, Sept. 22, 1982; 49 FR 30715, Aug. 1, 1984; 52 FR 36781, Oct. 1, 1987; 52 FR 36941, Oct. 2, 1987; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 654.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) *Federal.* The regulations in this part are intended to be compatible with, and do not supersede similar regulations in effect for the Everglades National Park (36 CFR 7.45).

(c) *State.* The regulations in this part are intended to be compatible with similar regulations and statutes in effect in Florida.

[44 FR 53527, Sept. 14, 1979, as amended at 53 FR 24655, June 29, 1988]

§ 654.4 Markings.

(a) *General.* No vessel other than a vessel of the United States which is properly registered, documented, or numbered may fish for stone crabs in the management area.

(b) *Markings.* (1) Buoys and traps must bear the number and color that correspond with their Florida stone crab permit number and color or their Federal number and color.

(2) Each vessel fishing for stone crabs in the management area must be marked by its appropriate documentation or registration number and must be marked by the appropriate stone crab number and color.

(3) All markings must be permanent. Vessel markings must be of a size and location so as to be visible from the air. Buoy and trap markings must be of such size and color so as to permit ready identification of the gear.

(c) *Application to the Regional Director.* (1) Persons who cannot obtain a Florida stone crab permit may apply to the Regional Director who will assign a Federal number and color to the vessel and its gear.

(2) Each application must contain the following information:

(i) The applicant's name, mailing address, and telephone number;

(ii) The name of the vessel;

(iii) The vessel's United States Coast Guard documentation number or State license number; and

(iv) The vessel's radio call sign.

(d) *Fees.* No fee is required for a number and color issued by the Regional Director under this part.

[44 FR 53527, Sept. 14, 1979, as amended at 48 FR 34762, Aug. 1, 1983; 52 FR 36781, Oct. 1, 1987; 53 FR 24657, June 29, 1988]

§ 654.5 [Reserved]

§ 654.6 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for stone crabs in the EEZ with other than a U.S. vessel which is properly documented, registered, or numbered as required in § 654.4(a).

(b) Falsify or fail to display the vessel's appropriate documentation or registration number and the appropriate stone crab number and color code as specified in § 654.4(b) (2) and (3).

(c) Falsify or fail to mark all stone crab traps and trap buoys with their Florida permit number and color code or their Federal number and color code as specified in § 654.4(b) (1) and (3).

(d) Remove from stone crabs; or possess in the EEZ, regardless of where taken, stone crab claws with a propodus (figure 2) measuring less than 2¾ inches; or remove, possess, or land stone crab claws from stone crabs taken in the EEZ with a propodus measuring less than 2¾ inches, as specified in § 654.20(a).

(e) Fail to return declawed stone crabs to the sea prior to the vessel's reaching port, shore, or dock as specified in § 654.20(b).

(f) Fail to store stone crabs at sea in containers protected from direct sunlight and in a manner which does not compress the crabs, as specified in § 654.20(b).

(g) Fail to keep stored stone crabs damp by wetting as necessary, as specified in § 654.20(b).

(h) Tend, open, pull, or otherwise molest or have in possession aboard a vessel another person's stone crab traps, except as specified in § 654.20(c).

(i) Tend, open, pull, or otherwise molest stone crab traps, except during the hours specified in § 654.20(d).

(j) Possess at sea, land, or fail immediately to return to the sea egg-bearing female stone crabs or to remove eggs or claws from egg-bearing female stone crabs, as specified in § 654.20(e).

(k) Take or possess stone crabs or any part thereof in the EEZ during the closed season specified in § 654.22(a); except as provided by § 654.22(a)(3).

(l) Have stone crab traps in the water before or after the dates specified in § 654.22(a).

(m) Trawl in a closed area of the EEZ during the time periods specified in § 654.23(a).

(n) Place stone crab traps in a closed area in the EEZ, as specified in § 654.23(b)(1).

(o) Place into the EEZ any article, as specified in § 654.23(b)(2).

(p) Fail to have on board or present for inspection an extension authorization, as required under § 654.22(a)(2).

(q) Use stone crab traps without a biodegradable panel, as required under § 654.21.

[44 FR 53527, Sept. 14, 1979, as amended at 51 FR 30664, Aug. 28, 1986; 53 FR 24657, June 29, 1988]

§ 654.7 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 654.8 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 654.20 Catch limitations.

(a) *Claw Size.* No person may remove a stone crab claw with a propodus measuring less than 2¾ inches from the body of a stone crab. Stone crab claws are measured in a straight line from the elbow to the tip of the lower immovable finger (see figure 2). The propodus is the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body whe the entire appendage is extended.

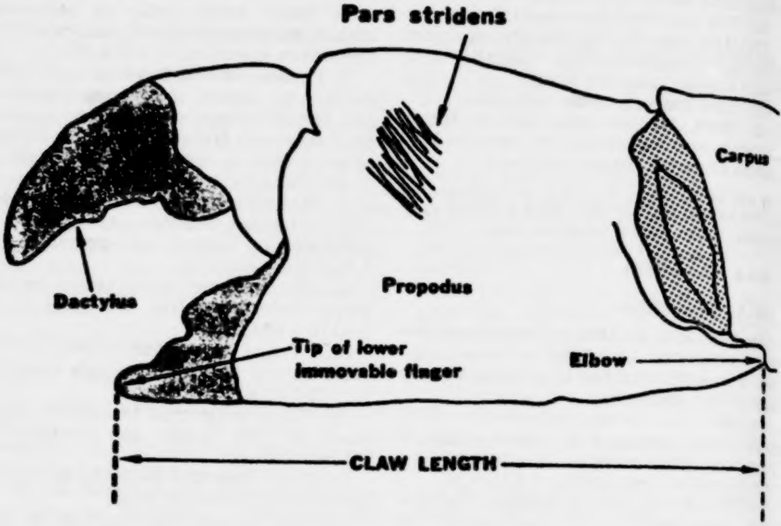


FIGURE 2

(b) *Holding crabs aboard fishing vessels.* Stone crab bodies from which the claws have been removed must be returned to the sea before the vessel reaches shore or a port or a dock. Live stone crabs may be held aboard a vessel while it is at sea until such time as the claws are removed, provided the crabs are held in containers shaded from direct sunlight and are wet with sea water as necessary to keep the crabs in a damp condition. Containers holding stone crabs must be stacked in a manner which does not compress the crabs.

(c) *Traps.* No fisherman may willfully tend, open, pull, or otherwise molest another fisherman's traps without the prior written consent of that fisherman. (The buoy and corresponding lines are part of the trap for purposes of this section.)

(d) *Time of day.* No fisherman may tend, open, pull, or otherwise molest traps during the period beginning one hour after sunset to one hour before sunrise.

(e) *Egg-bearing female crabs.* It is prohibited to remove claws from egg-bearing female stone crabs or to have any egg-bearing female stone crabs aboard a vessel or to remove the eggs from any stone crab. Egg-bearing female stone crabs must be returned to the sea immediately.

[44 FR 53527, Sept. 14, 1979, as amended at 51 FR 30664, Aug. 28, 1986; 52 FR 36782, Oct. 1, 1987; 53 FR 24657, June 29, 1988]

§ 654.21 Gear requirements.

Traps used in the stone crab fishery must have a biodegradable panel. (See definition in § 654.2.)

[44 FR 53527, Sept. 14, 1979]

§ 654.22 Closed seasons.

(a) No person may possess stone crabs or any parts thereof in the EEZ during the period from 0001 hours (local time) May 16 through 2400 hours (local time) October 14.

(1) Prior to the fishing season, baited traps may be placed in the water one hour before sunrise on October 5 (soak period).

(2) After the fishing season, traps must be removed from the water by one hour after sunset on May 20 (removal period); unless an extension to the removal period is granted by Florida in accordance with Chapter 46-13, Stone Crab, Rules of the Department of Natural Resources, FMFC, Florida Administrative Code. The extension authorization must be carried aboard the fishing vessel. The operator of a fishing vessel must present the authorization for inspection upon request of an authorized officer.

(3) Holding crabs in traps while in the water during the soak period (October 5-14), or during the removal period (May 16-20), or during an extension thereto, will not be deemed as possession provided that such crabs are returned immediately to the water with claws unharvested whenever the traps are removed from the water during these periods.

(4) No traps may be transported on or set in the waters of the EEZ between one hour after sunset on May 20 (or May 30, if an extension to the removal period is granted) and one hour before sunrise on October 5.

(b) Stone crab traps, floats, or ropes in the management area at times not authorized in paragraph (a) of this section will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. Owners of these stone crab traps remain subject to appropriate civil penalties.

[51 FR 30664, Aug. 28, 1986, as amended at 52 FR 36782, Oct. 1, 1987; 53 FR 24657, June 29, 1988]

§ 654.23 Area restrictions.

(a) Between January 1 and one hour after sunset (local time) May 20, it is unlawful to use trawl gear in that part of the EEZ (figure 1) shoreward of a rhumb line connecting in order points B at 26°16.0′ N. latitude, 81°58.5′ W. longitude, C at 26°00.0′ N. latitude, 82°04.0′ W. longitude, D at 25°09.0′ N. latitude, 81°47.6′ W. longitude, E at 24°54.5′ N. latitude, 81°50.5′ W. longitude, and the intersection of the seaward boundary of Florida and a line extending from point E to point F at 24°41.9′ N. latitude, 81°40.5′ W. longitude (Snipe Point).

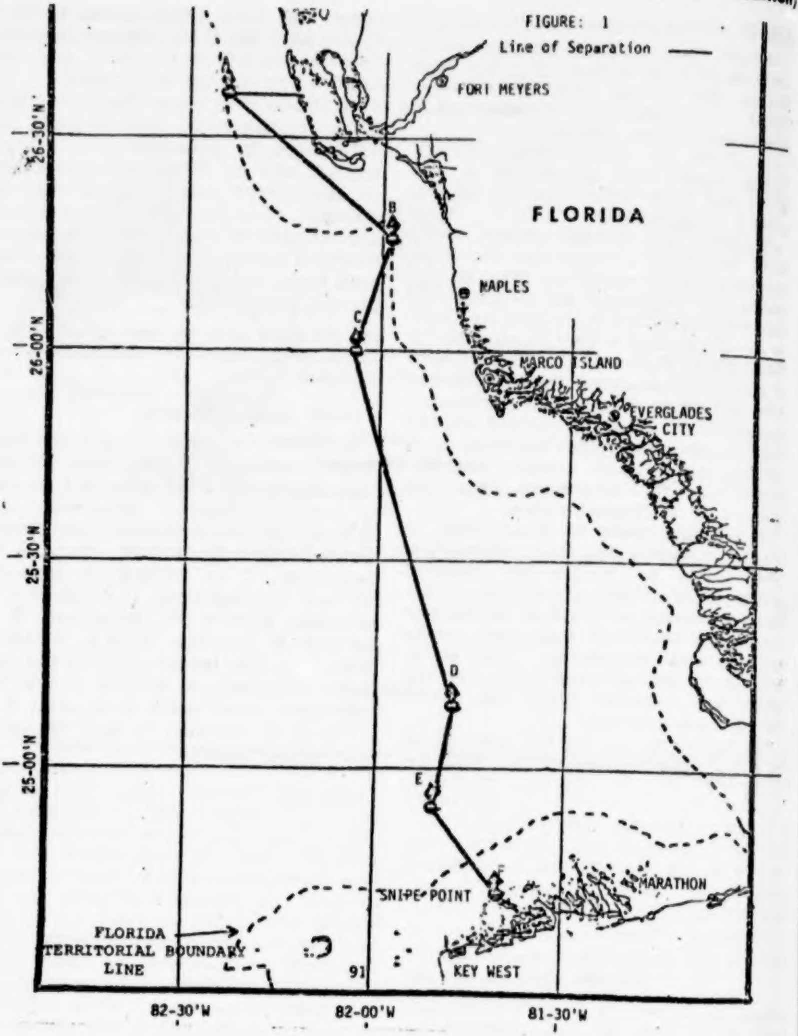


FIGURE: 1
Line of Separation
FORT MEYERS
FLORIDA
NAPLES
MARCO ISLAND
EVERGLADES CITY
MARATHON
SNIPE POINT
KEY WEST
FLORIDA TERRITORIAL BOUNDARY LINE
91
B
C
D
E
26-30'N
26-00'N
25-30'N
25-00'N
82-30'W
82-00'W
81-30'W

(b) *Citrus and Hernando Counties shrimp/stone crab separation zones*—(1) *Specification of zones.* Five zones are established in the EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. The zones are as shown in figure 3. Although Zone II is entirely within Florida's waters, it is included in this paragraph and figure 3 for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Chapter 16N-2, Shrimp, Rules of the Department of Natural Resources, Division of Law Enforcement, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph and shown in figure 3 are as follows (loran readings are unofficial and are included only for the convenience of fishermen):

Point	North latitude	West longitude	Loran chain 7980			
			W	X	Y	Z
A	28°59′30″	82°45′36″	14416.5	31409.4	45259.1	62895.3
B	28°59′30″	83°00′10″	14396.0	31386.3	45376.8	63000.0
C	28°26′01″	82°59′47″	14301.5	31205.9	45103.2	63000.0
D	28°26′01″	82°56′54″	14307.0	31212.2	45080.0	62981.3
E	28°41′39″	82°55′25″	14353.7	31300.2	45193.9	62970.0
F	28°41′39″	82°56′09″	14352.4	31298.6	45199.4	62975.0
G	28°48′56″	82°56′19″	14372.6	31337.2	45260.0	62975.0
H	28°53′51″	82°51′19″	14393.9	31371.8	45260.0	62938.7
I	28°54′43″	82°44′52″	([1])	([1])	([1])	([1])
J	28°51′09″	82°44′00″	([2])	([2])	([2])	([2])
K	28°50′59″	82°54′16″	14381.6	31351.8	45260.0	62960.0
L	28°41′39″	82°53′56″	14356.2	31303.0	45181.7	62960.0
M	28°41′39″	82°38′46″	([3])	([3])	([3])	([3])
N	28°41′39″	82°53′12″	14357.4	31304.4	45176.0	62955.0
O	28°30′51″	82°55′11″	14323.7	31242.4	45104.9	62970.0
P	28°40′00″	82°53′08″	14352.9	31295.7	45161.8	62955.0
Q	28°40′00″	82°47′58″	14361.3	31305.4	45120.0	62920.0
R	28°35′14″	82°47′47″	14348.6	31280.6	45080.0	62920.0
S	28°30′51″	82°52′55″	14327.7	31247.0	45086.6	62955.0
T	28°27′46″	82°55′09″	14315.2	31225.8	45080.0	62970.0
U	28°30′51″	82°52′09″	14329.1	31248.6	45080.0	62949.9

[1] Crystal River Entrance Light 1A.

[2] Long Pt. (southwest tip).

[3] Shoreline.

(i) *Zone I* is enclosed by rhumb lines connecting in order points A, B, C, D, T, E, F, G, H, I, and J plus the shoreline between points A and J. It is unlawful to fish for shrimp in that part of Zone I that is in the EEZ during the period of October 5 through May 20, each year.

(ii) *Zone II* is enclosed by rhumb lines connecting in order points J, I, H, K, L, and M plus the shoreline between points J and M.

(iii) *Zone III* is enclosed by rhumb lines connecting in order points P, Q, R, U, S, and P. It is unlawful to fish for shrimp in that part of Zone III that is in the EEZ during the period of October 5 through May 20, each year.

(iv) *Zone IV* is enclosed by rhumb lines connecting in order points E, N, S, O, and E.

(A) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ during the periods of October 5 through December 1 and April 2 through May 20, each year.

(B) It is unlawful to fish for shrimp in that part of Zone IV that is in the EEZ during the period of December 2 through April 1, each year.

(v) *Zone V* is enclosed by rhumb lines connecting in order points F, G, K, L, and F.

(A) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ during the periods of October 5 through November 30 and March 16 through May 20, each year.

(B) It is unlawful to fish for shrimp in that part of Zone V that it is in the EEZ during the period of December 1 through March 15, each year.

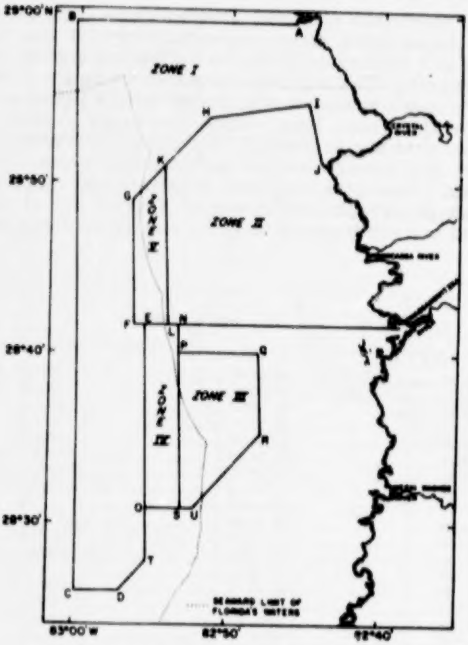


Figure 3. Shrimp/stone crab separation zones.

(2) No person may place into the management area any article, including fishing gear, with the intent to interfere with fishing or obstruct or damage fishing gear or fishing vessels of others, to utilize willfully fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(3) Stone crab traps found in the area described in paragraph (b)(1) of this section during the closed period will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. Lines and buoys are considered part of the trap. Owners of these stone crab traps are subject to civil penalties. All stone crab traps fished in the EEZ will be presumed to be the property of the most recently documented owner.

[47 FR 41758, Sept. 22, 1982, as amended at 49 FR 30715, Aug. 1, 1984; 50 FR 25713, June 21, 1985; 52 FR 36782, Oct. 1, 1987; 53 FR 24657, June 29, 1988; 54 FR 38235, Sept. 15, 1989]

§ 654.24 Zone modification procedures.

(a) *Procedure for modifying existing restricted fishing areas for stone crab fishermen in the EEZ* (inshore of 83.0° W. longitude) *off Pasco, Hernando, and Citrus Counties, Florida, by notice.* (1) The Pasco, Hernando, and Citrus Counties Shrimping and Crabbing Advisory Committee (Committee) may propose modifications to the exclusive fishing areas for shrimping and for crabbing provided by § 654.23 to resolve any conflict in both State waters and the EEZ inshore of 83.0° W. longitude, at its public meetings. Such a zoning proposal for fishing areas may be initiated at any time by the Committee in response to changing conditions in the fishery and may include zoning configurations that fluctuate or change on specific dates to allow for optimum production by the user groups affected.

(2) The Committee will submit the zoning proposal to the State regulatory agencies, Florida Department of Natural Resources (FDNR) and FMFC, for implementation in State waters and may submit the proposal to the Council for initial review and comment.

(3) After the State has accepted the proposal for promulgation as a rule, the State may request that the Council adopt that portion of the zoning proposal relating to the EEZ. The Council will review the proposal and administrative record developed by the State in support of its proposed rule and will recommend to the Regional Director that the proposal be implemented (or not implemented) or implemented with minor modifications in the EEZ. If the Council or Regional Director determine that the opportunity for public comment through the State system was inadequate, they may hold public hearings on the zoning proposal affecting the EEZ. The Council may also avail itself of the advice and counsel of its Scientific and Statistical Committee, Shrimp and Stone Crab Advisory Panels, or an Ad Hoc Advisory Panel consisting of persons fishing the Federal waters, in the review of the proposal or to propose zoning modifications. Should the Council recommend that the Federal portion of the proposal not be implemented or be modified, it will immediately notify the State and specify its reasons for such action.

(4) If the Secretary, after receiving the recommendations of the Council, concludes that such recommendations are consistent with the objectives of the FMP, the Magnuson Act, or other applicable law, the Secretary will implement them by notice in the FEDERAL REGISTER. If the Regional Director determines that the recommended action of the Council should not be implemented, the Regional Director will immediately notify the Council and State of his reasons and may suggest an alterative to the recommended action. The Council, after conferring with the State, will immediately advise the Regional Director as to the acceptability of the alternative.

(5) In the event that the Committee fails to act or is unable to develop a compromise solution for fishing in the area, or if the Committee is abolished or otherwise becomes nonfunctional, the Council will call upon the FMFC to provide the recommendations under paragraphs (a)(1) and (2) of this section. The Council may then utilize its own Ad Hoc Advisory Panel consisting of fishermen from the area affected to advise the Council on the acceptability of these recommendations or to propose zoning modifications.

(6) If the Committee is enlarged or restructured to have authority over zoning for other counties, the restructured committee may provide recommendations under paragraphs (a)(1) and (2) of this section and the Secretary may implement such recommendations under paragraph (a)(4) of this section.

(7)(i) The Secretary may, with the concurrence of the Council, modify existing zoning by publishing a notice in the FEDERAL REGISTER if the Regional Director determines that the procedures in paragraphs (a)(1) through (5) of this section cannot be followed in time to prevent inequitable access to the resources.

(ii) The Secretary will invite public comment prior to the effective date of the notice. If the Secretary determines, for good cause, that a notice must be promulgated immediately, comments will be received for 15 days after the effective date of the notice.

(iii) As soon as practicable after the end of the comment period, the Secretary will either rescind, modify, or allow the modification to the existing zoning to remain unchanged through notice in the FEDERAL REGISTER.

(8)(i) In the event that the Regional Director determines that the procedural paragraphs (a)(1) through (5) of this section cannot be followed in time to resolve or prevent serious conflict the Secretary may, with the concurrence of the Council, publish a notice in the FEDERAL REGISTER to:

(A) Close the area or a portion thereof to stone crab fishing for a period not to exceed 30 days; and/or

(B) Modify the configuration of the existing boundaries of the fishing areas as specified in the rule in the EEZ for part of or for the duration of the stone crab season and close the fisheries in the areas affected for 10 days to allow movement of crab traps into the crabbing areas specified in the rule.

(ii) Not later than 72 hours after the effective date of the modification to the regulation under paragraph (b)(1) of this section, the Regional Director will conduct a public fact-finding hearing. Notice of such hearing will be provided to the following:

(A) The Chairman of the council or his designee;

(B) The Director of the FDNR or his designee;

(C) The Chairman of the FMFC or his designee;

(D) Local news media as may be appropriate;

(E) Such user group representatives or organizations as may be appropriate and practicable; and

(F) Others deemed appropriate by the Regional Director.

(iii) The fact-finding hearing will be for the purpose of evaluating the following:

(A) The existence and seriousness of the conflict needing resolution by the modification to the existing rule;

(B) The appropriate duration of the modification to the existing rule;

(C) Other solutions to the conflict; and

(D) Other relevant matters.

(iv) The Secretary, within ten days after conclusion of the fact-finding hearing will either rescind, modify or allow the modification to the existing rule to remain unchanged through notice in the FEDERAL REGISTER.

(b) The Secretary, in consultation with or based on recommendations by the Council, may by regulatory amendment, take such action as may be necessary and appropriate to resolve any conflict in the area off Pasco, Hernando, and Citrus Counties, Florida (inshore of 83.0° W. longitude) or any other part of the EEZ, provided such action is taken in a manner which to the maximum extent practicable is consistent with action recommended by or taken by the adjacent coastal State.

(c) Nothing contained in this section limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act.

[49 FR 30716, Aug. 1, 1984, as amended
FR 24657, June 29, 1988]

§ 654.25 Specifically authorized activi

The Regional Director may au ize, for the acquisition of inform and data, activities otherwise proh ed by these regulations.

[47 FR 3795, Jan. 27, 1982. Redesignat
49 FR 30716, Aug. 1, 1984]

PART 655—ATLANTIC MACKER SQUID, AND BUTTERFISH FISHER

Subpart A—General Provisions

Sec.

655.1 Purpose and scope.
655.2 Definitions.
655.3 Relation to other laws.
655.4 Vessel permits.
655.5 Recordkeeping and reporting. served]
655.6 Vessel identification.
655.7 Prohibitions.
655.8 Facilitation of enforcement.
655.9 Penalties.

Subpart B—Management Measures

655.20 Fishing year.
655.21 Allowable levels of harvest.
655.22 Procedures for determining in annual amounts and adjustments.
655.23 Closure of the fishery.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 655.1 Purpose and scope.

(a) The regulations in this p govern fishing for Atlantic macke *Illex*, *Loligo*, and butterfish by fish vessels of the United States in t EEZ off the coasts of the Atla States.

(b) The regulations governing fi ing for Atlantic mackerel, *Illex*, *Loli* and butterfish by vessels other th vessels of the United States are co tained in 50 CFR part 611.

(c) This part implements the Fi ery Management Plan for the Atla Mackerel, Squid, and Butterfish Fi eries of the Northwest Atlantic Oce

[48 FR 14556, Apr. 4, 1983, as amended a
FR 24660, June 29, 1988]

§ 655.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Atlantic butterfish or *butterfish* means the species *Peprilus triacanthus.*

Atlantic mackerel or *mackerel* means the species *Scomber scombrus.*

Charter or *party boat* means any vessel which carries passengers for hire to engage in fishing.

Fishery management plan (FMP) means the Fishery Management Plans for the Atlantic Mackerel, Squid, and Butterfish Fisheries of the Northwest Atlantic Ocean, as consolidated by amendment 3 and revised by subsequent amendments.

Fishing trip or trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Illex means the species *Illex illecebrosus* (short-finned or summer squid).

Joint venture harvest means U.S.-harvested Atlantic mackerel, squid, or butterfish transferred to foreign vessels in the EEZ or in the internal waters of a State. Transfers to foreign vessels in the internal waters of a State are governed under section 306(c) of the Magnuson Act.

Loligo means the species *Loligo pealei* (long-finned or bone squid).

Metric ton (mt) means 1,000 kilograms, or 2,204.6 pounds.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm St., Federal Building, Gloucester, MA, or a designee.

Squid means *Loligo pealei* and *Illex illecebrosus.*

Vessel length means that length set forth in U.S. Coast Guard or State records.

[48 FR 14556, Apr. 4, 1983, as amended at 48 FR 44839, Sept. 30, 1983; 48 FR 45404, Oct. 5, 1983; 49 FR 406, 407, Jan. 4, 1984; 53 FR 24655, 24660, June 29, 1988]

§ 655.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Vessels fishing within the regulated mesh area defined at § 651.20 of this chapter with cod end mesh size of less than 5.5 inches must apply to fish under the exempted fishery program as set forth in § 651.22 of this chapter.

[53 FR 24657, June 29, 1988]

§ 655.4 Vessel permits.

(a) *General.* Any vessel of the United States which catches Atlantic mackerel, *Illex* and *Loligo* squid, or butterfish must have a permit issued under this section except vessels used by recreational fishermen taking Atlantic mackerel, *Illex* and *Loligo* squid, or butterfish for the personal use of such recreational fishermen.

(b) *Application.* (1) Each applicant must submit a permit application signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director before November 1 of each year or at least 30 days before the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all the following information:

(i) The name, mailing address including zip code, and telephone number of the owner of the vessel;

(ii) The name of the vessel;

(iii) The vessel's U.S. Coast Guard documentation number, or the vessel's State registration number for vessels not required to be documented under provisions of Title 46 of the U.S. Code;

(iv) The home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(v) The engine horsepower of the vessel and the year the vessel was built;

(vi) The type of construction, type of propulsion, and the type of echo sounder of the vessel;

(vii) The permit number of any current or previous Federal fishing permit issued to the vessel;

(viii) The approximate fish hold capacity of the vessel;

(ix) The type and quantity of fishing gear used by the vessel;

(x) The average size of the crew, which may be stated in terms of a range; and

(xi) The quantity of *Loligo* and *Illex* squid, Atlantic mackerel, and butterfish landed during the year prior to the year for which the permit is being applied; and

(xii) Any other information concerning vessel characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (b)(2) of this section must be reported by the applicant in writing to the Regional Director within 15 days of the change.

(c) *Issuance.* The Regional Director will issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(d) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged or on December 31 of the year for which the permit was issued.

(e) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(f) *Alteration.* Any permit which has been altered, erased, or multilated is invalid.

(g) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the fishing vessel and owner for which it is issued.

(i) *Display.* Any permit issued under this part must be carried on board the fishing vessel at all times. The operator of a fishing vessel shall present the permit for inspection upon request by any Authorized Officer.

(j) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(k) *Fees.* No fee is required for any permit issued under this part.

[48 FR 14556, Apr. 4, 1983, as amended at 49 FR 1043, Jan. 6, 1984; 49 FR 41063, Oct. 19, 1984; 51 FR 10550, Mar. 27, 1986]

§ 655.5 Recordkeeping and reporting. [Reserved]

§ 655.6 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must contrast with the background and be in block Arabic numerals at least 18 inches in height for vessels equal to or over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length.

(c) The official number must be permanently affixed to or painted on the vessel. However, charter or party boats may use non-permanent markings to display the official number whenever the vessel is fishing for Atlantic mackerel, squid, or butterfish.

(d) *Duties of operator.* The operator of each vessel subject to this part shall:

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

[48 FR 14556, Apr. 4, 1983, as amended at 48 FR 44839, Sept. 30, 1983]

§ 655.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) To fish commercially for Atlantic mackerel, squid, and butterfish without a permit issued pursuant to § 655.4.

(b) To use any vessel for taking, catching, harvesting, or landing of any Atlantic mackerel, squid, or butterfish (except as provided in § 655.4 (a)) unless the vessel has on board a valid permit issued under § 655.4.

(c) To fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel, as specified in § 655.4(b).

(d) To falsify or fail to affix and maintain vessel markings as required by § 655.6.

(e) To take and retain, or land more Atlantic mackerel, squid, or butterfish than specified under a notice issued under § 655.24.

(f) To falsify the records and reports prescribed by these regulations.

(g) Violate any other provision of this part, the Magnuson Act, any notice issued under Subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

(h) To make any false statement, written or oral, to an authorized officer, concerning the taking, catching, landing, purchase, sale, or transfer of any mackerel, squid, or butterfish.

(i) To interfere with, obstruct, delay, or prevent by any means the lawful investigation or search conducted in the process of enforcing this part.

[48 FR 14556, Apr. 4, 1983, as amended at 48 FR 44839, Sept. 30, 1983; 51 FR 10550, Mar. 27, 1986; 53 FR 24657, June 29, 1988]

§ 655.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 655.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 655.20 Fishing year.

The fishing year is the 12-month period beginning on January 1 and ending on December 31.

[51 FR 10550, Mar. 27, 1986]

§ 655.21 Allowable levels of harvest.

(a) *Maximum optimum yields.* (1) The optimum yields (OYs) during a fishing year may not exceed the following amounts:

Illex	30,000 mt.
Loligo	44,000 mt.
Butterfish	16,000 mt.

(2) For Atlantic mackerel, the maximum OY is determined in accordance with paragraph (b)(2)(ii) of this section.

(b) *Annual specifications.* Total allowable biological catch (ABC), initial optimum yield (IOY), and amounts for domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF) for each species will be determined annually by the Regional Director, in consultation with the Mid-Atlantic Fishery Management Council (Council) under the procedures specified in § 655.22, consistent with the following:

(1) *Squid.* (i) Total allowable biological catch (ABC) for any fishing year is either the maximum OY specified in paragraph (a)(1) of this section, or a lower amount determined by the Regional Director, in consultation with the Council, if stock assessments or other ecological data indicate that the potential yield is less than the maximum OY level.

(ii) The IOY consists of an initial DAH and initial TALFF and represents a modification of ABC, based on economic factors. These factors must include the following:

(A) Total world export potential by squid-producing countries;

(B) Total world import demand by squid-consuming countries;

(C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers;

(D) Increased or decreased revenues to the U.S. from foreign fishing fees;

(E) Increased or decreased revenues to U.S. harvesters (with or without joint ventures);

(F) Increased or decreased revenues to U.S. processors and exporters;

(G) Increases or decreases in U.S. harvesting productivity due to decrease or increase in foreign harvest;

(H) Increases or decreases in U.S. processing productivity; and

(I) Potential impact of increased or decreased TALFF on foreign purchases of U.S. products and services and U.S.-caught fish, changes in trade barriers, technology transfer, and other considerations.

(iii) The DAH, DAP and JVP must be based on data from sources specified in § 655.22(e) and other relevant data including past domestic landings, the capacity and intent of U.S. processors to process U.S.-harvested squid, and projected amounts of squid necessary for joint ventures during the fishing year.

(iv) IOY must be set at a level that will produce the greatest overall net benefit to the United States. In determining this amount, the Regional Director, in consultation with the Council, will provide for a TALFF of at least a minimum incidental catch in other directed fisheries. TALFF may be greater than an incidental catch level, if the IOY determined to produce the greatest overall benefit to the United States is sufficiently greater than DAH.

(A) *Loligo:* The incidental catch level is 1.0 percent of the allocated portion of the *Illex,* 0.04 percent of the allocated portion of the mackerel (if a directed fishery is allowed), and 0.5 percent of the allocated portions of the silver and red hake TALFFs.

(B) *Illex:* The incidental catch level is 10.0 percent of the allocated portion of the *Loligo* TALFF and 0.2 percent of the allocated portions of the silver and red hake TALFFs.

(v) The IOY may be adjusted by the Regional Director, in consultation with the Council, at any time during the fishing year, under § 655.22(f). The basis for any adjustment may be that new information or changed circumstances indicate that U.S. fishermen will exceed the initial DAH, or that the IOY should be increased to produce maximum net benefits to the United States based upon an application of the factors above. The IOY may be increased by the amount that DAH or TALFF, or both, are increased, but IOY may not exceed ABC. An adjustment to IOY may not result in TALFF being reduced to a quantity less than that allocated to and accepted by foreign nations or to a quantity less than the incidental catch levels specified in paragraph (b) of this section.

(2) *Atlantic mackerel.* For Atlantic mackerel the maximum OY may not exceed ABC. Mackerel amounts are derived using the following terms:

C=Estimated mackerel catch in Canadian waters for the upcoming fishing year.
US=Estimated U.S. mackerel catch for the upcoming year.
S=Mackerel spawning-stock size in the year after the upcoming fishing year.
Bycatch=0.4 percent of allocated portions of the silver hake and red hake TALFFs and 1 percent of the allocated portions of the *Loligo* and 0.1 percent of the allocated portion of the *Illex* TALFFs.
ABC=Acceptable biological catch in U.S. waters for the upcoming fishing year.
T=Total catch in all waters (U.S. and Canadian) for the upcoming fishing year.

(i) ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters (T) minus the estimated catch in Canadian waters (C) and still maintain a spawning stock size (S) in the year following the year for which catch estimates and quotas are being prepared equal to or greater than 600,000 mt.

(A) IOY represents a modification of ABC, based on biological and economic factors, intended to provide the greatest overall benefit to the nation by incorporating all relevant factors.

(B) IOY will be specified so that the fishing mortality rate associated with T is less than or equal to F0.1. If the Council determines that development of the U.S. fishery requires a fishing mortality rate greater than F0.1, but still less than or equal to ABC, IOY may be set at the higher level. Such modification will be for that fishing year only and revert to F0.1 unless modified again in subsequent years.

(ii) The IOY is composed of an initial DAH and initial TALFF. The Regional Director projects the DAH by reviewing data concerning past domestic landings, projected amounts of mackerel necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The recreational fishery component of DAH is determined by the equation $Y=(0.01)(X)-(166)$ where Y is the predicted recreational catch and X is the mackerel spawning stock size in the upcoming fishing year, in metric tons. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use. In addition, this specification of IOY is based on such criteria as contained in the Magnuson Act, specifically section 201(e), and the application of the following factors—

(A) Total world export potential by mackerel producing countries;

(B) Total world import demand by mackerel consuming countries;

(C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers;

(D) Increased/decreased revenues to the U.S. from foreign fees;

(E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures);

(F) Increased/decreased revenues to U.S. processors and exporters;

(G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest;

(H) Increases/decreases in U.S. processing productivity; and

(I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. products and services and U.S. caught fish, changes in trade barriers, technology transfer, and other considerations.

(iii) The DAH, DAP, and JVP must be based on data from sources specified in § 655.22(e) and other relevant data including past domestic landings, the capacity and intent of U.S. processors to process U.S. harvested squid and projected amounts of squid necessary for joint ventures during the fishing year.

(iv) IOY must be set at a level that will produce the greatest overall net benefit to the United States. In determining this amount, the Regional Director, in consultation with the Council, will provide for a TALFF of at least a minimum incidental catch in other directed fisheries. TALFF may be greater than an incidental catch level, if the IOY determined to produce the greatest overall benefit to the U.S. is sufficiently greater than DAH. The incidental level is 0.4 percent of the allocated portion of the silver and red hake, 1.0 percent of the allocated portion of the *Loligo*, and 0.1 percent of the allocated portion of the *Illex* TALFFs.

(v) The IOY may be adjusted by the Regional Director, in consultation with the Council, at any time during the fishing year, under § 655.22(f). The basis for any adjustment may be that new information or changed circumstances indicate that U.S. fishermen will exceed the initial DAH, or that the IOY should be increased to produce maximum net benefits to the United States based upon an application of the factors above. The IOY may be increased by the amount that DAH or TALFF, or both, are increased, but IOY may not exceed ABC. An adjustment to IOY may not result in TALFF being reduced to a quantity less than that allocated to and accepted by foreign nations or to a quantity less than the incidental catch levels specified in paragraph (iv) of this system.

(3) *Butterfish.* (i) The Regional Director will review yearly the most recent biological data, including data on discards, pertaining to the stock. If the Regional Director determines that the stock cannot support a level of harvest equal to the maximum OY, he will establish a lower ABC for the fishing year. This level represents essentially the modification of MSY to reflect changed biological circumstances. If the stock is able to support a harvest level equivalent to the maximum OY, the ABC is set at that level.

(ii) From the ABC, the Regional Director, in consultation with the Council, will determine the IOY for the fishing year. The IOY represents a modification of ABC. The IOY is composed of an initial DAH and initial bycatch TALFF. The Regional Director will project the DAH by reviewing the data concerning past domestic landings, projected amounts of butterfish necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use.

(iii) In assessing the level of IOY, the Regional Director will provide for a bycatch TALFF equal to 3.0 percent of the allocated portion of the *Loligo*

TALFF and 0.5 percent of the allocated portion of the *Illex*, 0.08 percent of the allocated portion of the Atlantic mackerel, and 0.1 percent of the allocated portion of the silver and red hake TALFFs.

(iv) The IOY may be adjusted by the Regional Director, in consultation with the Council, upward to the ABC at any time during the fishing year. An adjustment may be made to IOY to accommodate DAH needs. However, TALFF may not be adjusted to a quantity less than that needed for bycatch. Any adjustments to the IOY will be published in the FEDERAL REGISTER and may provide for a public comment period.

(c) *Allowable domestic harvest.* Fish taken within State jurisdiction will be counted against the domestic harvests specified under this section. The allowable domestic harvest for each species is the OY (including OY as increased under paragraph (b)(1)(v) of this section) minus TALFF.

[48 FR 14556, Apr. 4, 1983, as amended at 49 FR 406, Jan. 4, 1984; 49 FR 9571, Mar. 14, 1984; 51 FR 10551, Mar. 27, 1986]

§ 655.22 Procedures for determining initial annual amounts and adjustments.

(a) On or about October 15 of each year, the Council will prepare and submit recommendations to the Regional Director of the initial annual amounts for the fishing year beginning January 1, based on information gathered from sources specified in paragraph (e) of this section.

(b) On or about November 1 of each year, the Secretary will publish a notice in the FEDERAL REGISTER that specifies preliminary initial amounts of OY, DAH, DAP, JVP, TALFF, and reserve (if any) for each species. The amounts will be based on information submitted by the Council and from the sources specified in paragraph (e) of this section; in the absence of a Council report, the amounts will be based on information gathered from sources specified in paragraph (e) of this section and other information considered appropriate by the Regional Director. The FEDERAL REGISTER notice will provide for a 30-day comment period.

(c) The Council's recommendation and the information listed in paragraph (e) of this section will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

(d) On or about December 15 of each year, the Secretary will make a final determination of the initial amounts for each species, considering all relevant data and any public comments, and will publish a notice of the final determination and response to public comments in the FEDERAL REGISTER.

(e) Sources used to establish initial annual specifications include:

(1) Results of a survey of domestic processors and joint venture operators of estimated processing capacity and intent to use that capacity (approved by the Office of Management and Budget under OMB control number 0648-0114);

(2) Results of a survey of fishermen's trade associations of estimated fish harvesting capacity and intent to use that capacity;

(3) Landings and catch statistics;

(4) Stock assessments; and

(5) Relevant scientific information.

(f) Any adjustments to the IOY for squid must be published in the FEDERAL REGISTER with the reasons for such adjustment. Any notice of adjustment may provide for a public comment period.

[48 FR 14556, Apr. 4, 1983, as amended at 49 FR 407, Jan. 4, 1984; 51 FR 10552, Mar. 27, 1986]

§ 655.23 Closure of the fishery.

(a) *General.* The Secretary shall close any domestic fishery in the EEZ for any species when U.S. fishermen have harvested 80 percent of the allowable domestic harvest (see § 655.21(c)), if such closure is necessary to prevent the allowable domestic harvest from being exceeded. The closure will be in effect for the remainder of the fishing year.

(b) *Notice.* If the Secretary determines that a closure is necessary, he will:

(1) Notify in advance the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils;

(2) Mail notifications of the closure to all holders of permits issued under § 655.5 at least 72 hours before the effective date of the closure;

(3) Provide for adequate notice of the closure to recreational fishermen in the fishery; and

(4) Publish a notice of closure in the FEDERAL REGISTER.

(c) *Incidental catches.* During a period of closure, the trip limit for the species for which the fishery is closed is 10 percent by weight of the total amount of fish on board.

[48 FR 14556, Apr. 4, 1983, as amended at 48 FR 44839, Sept. 30, 1983. Redesignated at 51 FR 10552, Mar 27, 1986, and amended at 53 FR 24660, June 29, 1988]

PART 656—[RESERVED]

PART 657—ATLANTIC SALMON FISHERY

Subpart A—General Provisions

Sec.

657.1 Purpose and scope.
657.2 Definitions.
657.3 Relation to other laws.
657.4 Prohibitions.
657.5 Facilitation of enforcement.
657.6 Penalties.

Subpart B—Management Measures

657.20 Prohibition on possession.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 657.1 Purpose and scope.

This part implements the Fishery Management Plan for Atlantic Salmon prepared by the New England Fishery Management Council in consultation with the U.S. Fish and Wildlife Service of the U.S. Department of the Interior. These regulations govern the conservation and management of Atlantic salmon.

[53 FR 4983, Feb. 19, 1988]

§ 657.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Atlantic salmon means *Salmo salar.*

Land means to begin offloading fish, to offload fish, to enter a port with fish, or to transfer fish to another vessel.

Recreational fishing means fishing for finfish which does not result in their barter, trade, or sale.

Recreational fishing vessel means any vessel from which no fishing other than recreational fishing is conducted. Party and charter boats are not considered recreational fishing vessels.

Regional Director means the Regional Director, Northeast Region, NMFS, 14 Elm Street, Federal Building, Gloucester, MA 01930, or a designee.

Retain aboard means to fail to return fish to the sea after a reasonable opportunity to sort the catch.

[53 FR 4983, Feb. 19, 1988, as amended at 53 FR 24655, June 29, 1988]

§ 657.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Nothing in these regulations will supersede more restrictive State or local management measures for Atlantic salmon.

[53 FR 4983, Feb. 19, 1988, as amended at 53 FR 24655, June 29, 1988]

§ 657.4 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Use any vessel of the United States for taking, catching, harvesting, fishing for, or landing any Atlantic salmon taken from the EEZ.

(b) Transfer directly or indirectly, or attempt to transfer, to any vessel any Atlantic salmon taken from the EEZ.

(c) Make any false statement, oral or written, to an authorized officer, concerning the taking, catching, harvest, landing, purchase, sale, possession, or transfer of any Atlantic salmon.

(d) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search by an authorized officer while enforcing this part.

[53 FR 4983, Feb. 19, 1988, as amended at 53 FR 24658, June 29, 1988]

§ 657.5 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 657.6 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 657.20 Prohibition on possession.

(a) *Incidental catch.* All Atlantic salmon caught incidental to a directed fishery for other species in the EEZ must be released in such a manner as to insure maximum probability of survival.

(b) *Presumption.* The possession of Atlantic salmon will be *prima facie* evidence that such Atlantic salmon were taken in violation of these regulations. Evidence that such fish were harvested in State waters, or from foreign waters, or from aquaculture enterprises, will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

[53 FR 4983, Feb. 19, 1988]

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

Subpart A—General Measures

Sec.

658.1 Purpose and scope.
658.2 Definitions.
658.3 Relation to other laws.
658.4 Vessel permits and fees.
658.5 Recordkeeping and reporting.
658.6 Vessel identification.
658.7 Prohibitions.
658.8 Facilitation of enforcement.
658.9 Penalties.

Subpart B—Management Measures

658.20 Fishing year.
658.21 Allowable levels of harvest.
658.22 Tortugas shrimp sanctuary.
658.23 Stone crab area restrictions.
658.24 Zone modification procedures.
658.25 Texas closure.
658.26 Size restrictions.
658.27 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Measures

§ 658.1 Purpose and scope.

(a) The purpose of this part is to plement the Fishery Managem Plan for the Shrimp Fishery of t Gulf of Mexico, developed by the G of Mexico Fishery Management Cou cil under the Magnuson Fishery Co servation and Management Act.

(b) The regulations in this p govern fishing for brown shrim white shrimp, pink shrimp, royal shrimp, seabob shrimp, and ro shrimp by vessels of the United Stat within that portion of the Gulf Mexico over which the United Stat exercises exclusive fishery mana ment authority.

(c) Regulations governing forei fishing for royal red shrimp appear 50 CFR part 611.

(d) Regulations governing the taki of endangered and threatened mari mammals and sea turtles appear in CFR parts 222 and 227.

[46 FR 27494, May 20, 1981, as amended 52 FR 19148, May 21, 1987]

§ 658.2 Definitions.

In addition to the definitions in t Magnuson Act and in § 620.2 of th chapter, the terms used in this pa have the following meanings:

Committee means the Pasco, He nando, and Citrus Counties Shrimpi and Crabbing Advisory Committee.

Council means the Gulf of Mexi Fishery Management Council, Sui 881, 5401 West Kennedy Bouleva Tampa, FL 33609.

Endangered and threatened mari mammals and sea turtles means fi whale species (sperm, fin, sei, hum back, and right) and five sea turt species (Kemp's ridley, loggerhea green, hawksbill, and leatherback).

FDNR means the Florida Depar ment of Natural Resources.

Fishery management plan (FMP means the Fishery Management Pla for the Shrimp Fishery of the Gulf Mexico.

FMFC means the Florida Mari Fisheries Commission.

Gulf of Mexico means the geograp ic area of authority of the Gulf Mexico Fishery Management Council.

Regional Director means the Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702, or a designee.

Science and Research Director means the Science and Research Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, FL 33149, telephone 305-361-5761, or a designee.

Shrimp means the following species:

Brown shrimp, *Penaeus aztecus*
White shrimp, *P. setiferus*
Pink shrimp, *P. duorarum*
Seabob shrimp, *Xiphopeneus kroyeri*
Rock shrimp, *Sicyonia brevirostris*
Royal red shrimp, *Hymenopenaeus robustus*

Statistical area means one or more of the 21 statistical grids depicted in Figure 5. In addition, the term includes the following "inside" water areas:

"Inside" water area	Code No.
Charlotte Harbor, FL	4.1
Tampa Bay, FL	5.1
Apalachicola Bay, FL	7.1
St. Andrews Bay, FL	8.1
St. Joseph Bay, FL	8.2
Choctawatchee Bay, FL	9.1
Pensacola Bay, FL	10.1
Alabama Inside Waters (Exclusive of Mississippi Sound), AL	10.2
Little Lagoon, AL	10.5
Mississippi Sound, MS	11.1
Lakes Borgne and Pontchartrain, LA	12.1
Breton and Chandeleur Sounds and Adjacent Marsh Areas, LA	12.2
Inside Waters from Mississippi River to Bayou Lafourche, LA	13.1
Inside Waters from Bayou Lafourche to Atchafalaya River, LA	14.1
Inside Waters from Atchafalaya River to Tigre Point, LA	15.1
Inside Waters from Tigre Point to Louisiana Point, LA	16.1
Sabine Lake, TX	17.2
Galveston Bay System, TX	18.1
Matagorda Bay System, TX	19.1
San Antonio Bay System, TX	19.2
Arkansas Bay System, TX	19.3
Corpus Christi Bay System, TX	20.1
Upper Laguna Madre, TX	20.2
Lower Laguna Madre, TX	21.1

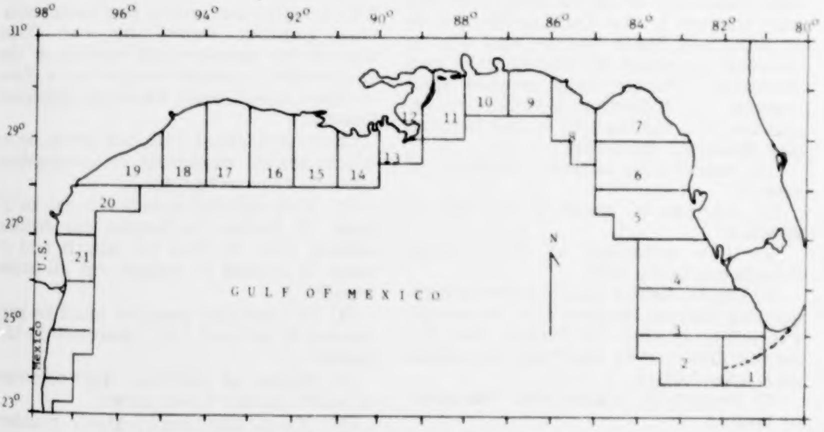


Figure 5. Statistical Grids for Reporting Harvest of Shrimp
For Illustrative Purposes Only - Not to Scale

United States harvested shrimp means shrimp caught, taken, or harvested by vessels of the United States in the Gulf of Mexico, whether or not such shrimp is landed in the United States.

[46 FR 27494, May 20, 1981, as amended at 48 FR 17099, Apr. 21, 1983; 49 FR 18495, May 1, 1984; 49 FR 30717, Aug. 1, 1984; 52 FR 19148, 19149, May 21, 1987; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 658.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) The regulations found in this part are intended to be compatible with regulations pertaining to the Everglades National Park in the State of Florida and Fort Jefferson National Monument. These regulations which prohibit commercial shrimping are found at 36 CFR 7.45 and 36 CFR 7.27, respectively.

[46 FR 27494, May 20, 1981, as amended at 53 FR 24655, June 29, 1988]

§ 658.4 Vessel permits and fees.

No permit is required for vessels of the United States fishing for shrimp under this part.

[46 FR 27494, May 20, 1981]

§ 658.5 Recordkeeping and reporting.

(a) *Vessel owners and operators.* The owner or operator of any fishing vessel that fishes for, or lands, shrimp or any part thereof in the Gulf of Mexico or in adjoining State waters, and who is selected to report by the Science and Research Director, must provide upon request the following information regarding any fishing trip to the Science and Research Director:

(1) Name and official number of vessel;

(2) Amount of catch of shrimp by species;

(3) The condition of the shrimp (heads on/heads off);

(4) Depth fished and information regarding fishing location that is specific enough to enable the Science and Research Director to ascertain the statistical area fished;

(5) Person to whom sold, bartered, or traded;

(6) Number, size and type of gear; and

(7) Effort and period of fishing.

(b) *Dealers and processors.* Any person who receives shrimp or parts thereof by way of purchase, barter, trade or sale from a fishing vessel or person that fishes for, or lands, shrimp or parts thereof in the Gulf of Mexico or in adjoining State waters, and who is selected to report by the Science and Research Director, must provide upon request the following information to the Science and Research Director:

(1) Fishing vessel (name and official number) or person (if harvested from other than a vessel) from which received;

(2) Amount of shrimp or parts thereof received by species and size category for each vessel trip; and

(3) Exvessel value by size category of shrimp or portions thereof received.

[49 FR 18496, May 1, 1984, as amended at 53 FR 24656, June 29, 1988; 53 FR 38294, Sept. 30, 1988]

§ 658.6 Vessel identification.

(a) *Offical number.* Each vessel of the United States engaged in the shrimp fishery in the Gulf of Mexico EEZ must:

(1) Display its official number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The official number is the documentation number issued by the Coast Guard for documented vessels or the registration number issued by a State or the Coast Guard for undocumented vessels.

(2) The official number must be in block arabic numerals in contrasting color to the background.

(3) The official number must be at least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels.

(4) The official number must be permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must:

(1) Keep the registration number clearly legible and in good repair, and

(2) Insure that no part of the fishing vessel, its rigging, or its fishing gear obstructs the view of the official number from any enforcement vessel or aircraft.

[46 FR 27494, May 20, 1981, as amended at 52 FR 19148, May 21, 1987]

§ 658.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Falsify or fail to report information required to be submitted upon request by § 658.5.

(b) Trawl in a closed area or during a closed season within the EEZ, except as allowed under § 658.24(a).

(c) Falsify or fail to affix and maintain vessel markings as required by § 658.6.

(d) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part.

[46 FR 27494, May 20, 1981, as amended at 49 FR 18496, May 1, 1984; 52 FR 19148, 19149, May 21, 1987; 53 FR 24658, June 29, 1988]

§ 658.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 658.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 658.20 Fishing year.

The fishing year for all species of shrimp, except royal red shrimp, begins on May 1 and ends on April 30. The fishing year for royal red shrimp begins on January 1 and ends on December 31.

[46 FR 27494, May 20, 1981]

§ 658.21 Allowable levels of harvest.

(a) *Catch quotas.* The domestic quota for royal red shrimp is 111.6 metric tons. There is no domestic quota for other species of shrimp.

(b) *Territorial waters.* These regulations do not limit the harvest of shrimp resources in waters landward of the EEZ. However, harvest from these waters will be taken into account in the calculation of the maximum sustainable yield and optimum yield from the fishery.

(c) *Closure.* When the domestic quota for royal red shrimp is reached, the Regional Director shall close the fishery by publishing a notice in the Federal Register.

[46 FR 27494, May 20, 1981, as amended at 52 FR 19148, May 21, 1987]

§ 658.22 Tortugas shrimp sanctuary.

The area commonly known as the *Tortugas Shrimp Sanctuary,* off the State of Florida, is closed to all trawl fishing. The area is that part of the EEZ shoreward of a line connecting the following points (see figure 1):

Point	Latitude	Longitude	Common name
N	25°52.9′N.	81°37.95′W.	Coon Key Light.
F	24°50.7′N.	81°51. 3′W.	
G	24°40.1′N.	82°26. 7′W.	New Grounds Shoals Light.
H	24°34.7′N.	82°35. 1′W.	Rebecca Shoals Light.
P	24°35 ′N.	82°08 ′W..	Marquessas Keys.

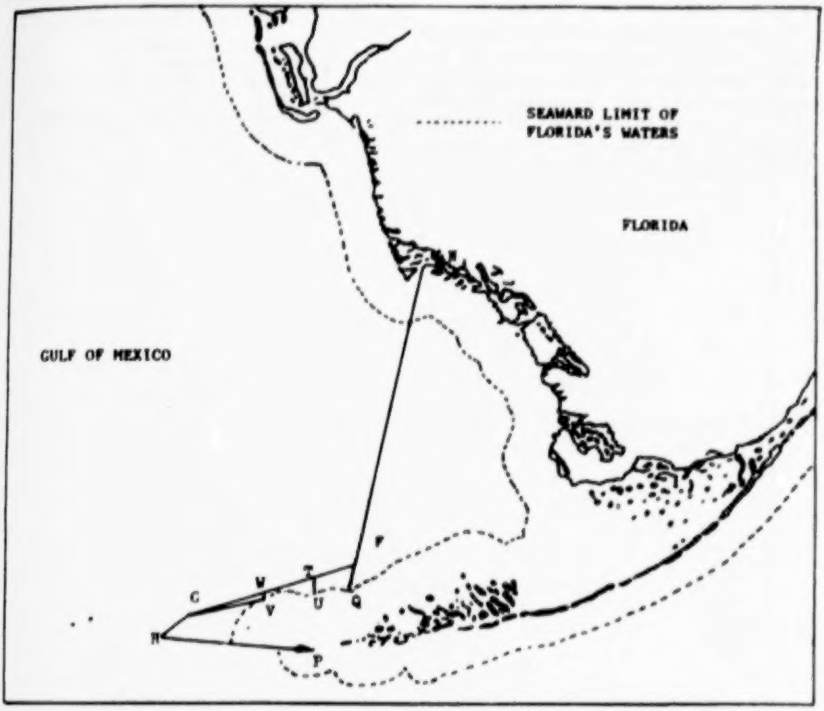

SEAWARD LIMIT OF FLORIDA'S WATERS
FLORIDA
GULF OF MEXICO
F
T
W
G
V
U
Q
H
P

FIGURE 1. TORTUGAS SHRIMP SANCTUARY

[46 FR 27494, May 20, 1981, as amended at 50 FR 37199, Sept. 12, 1985; 52 FR 19148, May 21, 1987; 55 FR 13795, Apr. 12, 1990]

§ 658.23 Stone crab area restrictions.

(a) Between January 1 and one hour after sunset (local time) May 20, the area described in this paragraph is closed to trawl gear, including live bait gear. The area is that part of the EEZ shoreward of a line connecting the following points (see figure 2):

Point	Latitude	Longitude	Common name
B	26°16'N	81°58.5'W	
C	26°00'N	82°04'W	
D	25°09'N	81°47.6'W	
E	24°54.5'N	81°50.5'W	
M	24°41.9'N	81°40.5'W	Snipe Point.

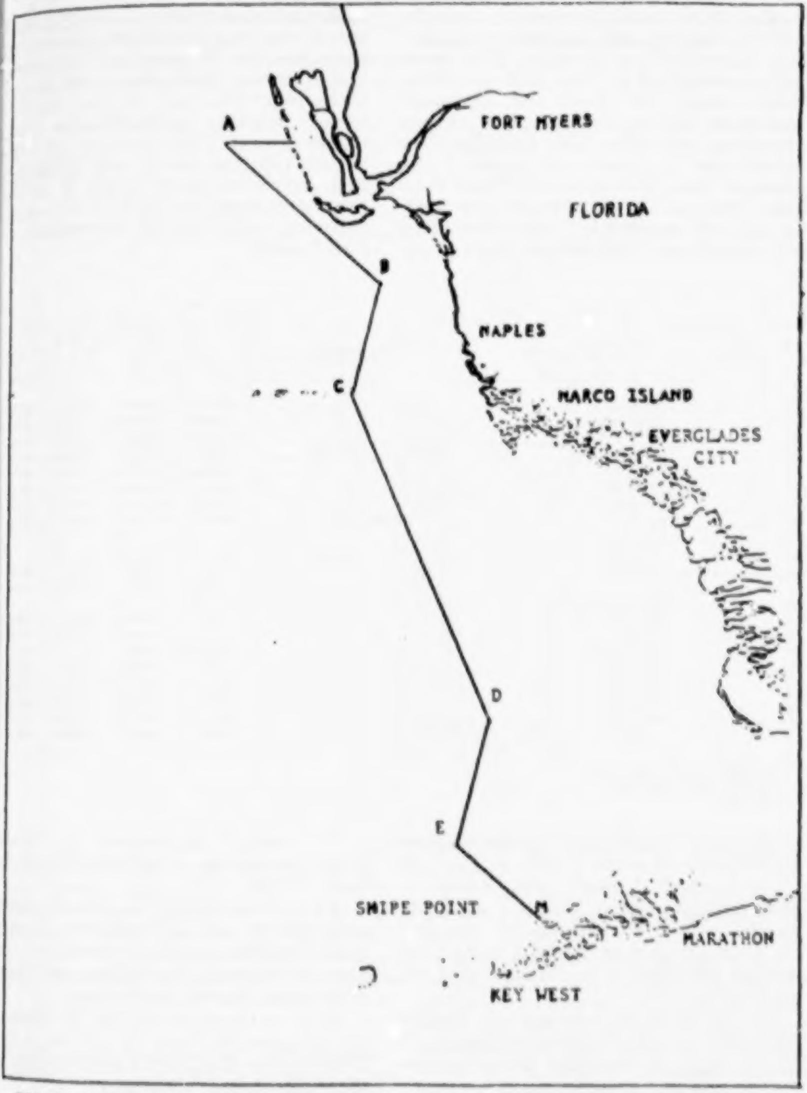

A
FORT MYERS
FLORIDA
B
NAPLES
C
MARCO ISLAND
EVERGLADES CITY
D
E
SNIPE POINT
M
MARATHON
KEY WEST

FIGURE 2. AREA CLOSED TO SHRIMPING BETWEEN JANUARY 1 AND MAY 20.

(b) *Citrus and Hernando Counties shrimp/stone crab separation zones*—(1) *Specification of zones.* Five zones are established in the EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. The zones are as shown in figure 3. Although Zone II is entirely within Florida's waters, it is included in this paragraph and figure 3 for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Chapter 16N-2, Shrimp Rules of the Department of Natural Resources, Division of Law Enforcement, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph and shown in figure 3 are as follows (loran readings are unofficial and are included only for the convenience of fishermen):

Point	North latitude	West longitude	Loran chain 7980			
			W	X	Y	Z
A	28°59′30″	82°45′36″	14416.5	31409.4	45259.1	62895
B	28°59′30″	83°00′10″	14396.0	31386.3	45376.8	63000
C	28°26′01″	82°59′47″	14301.5	31205.9	45103.2	63000
D	28°26′01″	82°56′54″	14307.0	31212.2	45080.0	62981
E	28°41′39″	82°55′25″	14353.7	31300.2	45193.9	62970
F	28°41′39″	82°56′09″	14352.4	31298.6	45199.4	62975
G	28°48′56″	82°56′19″	14372.6	31337.2	45260.0	62975
H	28°53′51″	82°51′19″	14393.9	31371.8	45260.0	62936
I	28°54′43″	82°44′52″	(1)	(1)	(1)	(
J	28°51′09″	82°44′00″	(2)	(2)	(2)	(
K	28°50′59″	82°54′16″	14381.6	31351.8	45260.0	62960
L	28°41′39″	82°53′56″	14356.2	31303.0	45181.7	62960
M	28°41′39″	82°38′46″	(3)	(3)	(3)	(
N	28°41′39″	82°53′12″	14357.4	31304.4	45176.0	62955
O	28°30′51″	82°55′11″	14323.7	31242.4	45104.9	62970
P	28°40′00″	82°53′08″	14352.9	31295.7	45161.8	62955
Q	28°40′00″	82°47′58″	14361.3	31305.4	45120.0	62920
R	28°35′14″	82°47′47″	14348.6	31280.6	45080.0	62920
S	28°30′51″	82°52′55″	14327.7	31247.0	45086.6	62955
T	28°27′46″	82°55′09″	14315.2	31225.8	45080.0	62970
U	28°30′51″	82°52′09″	14329.1	31248.6	45080.0	6294

[1] Crystal River Entrance Light 1A.
[2] Long Pt. (southwest tip).
[3] Shoreline.

(i) *Zone I* is enclosed by rhumb lines connecting in order points A, B, C, D, T, E, F, G, H, I, and J plus the shoreline between points A and J. It is unlawful to fish for shrimp in that part of Zone I that is in the EEZ during the period of October 5 through May 20, each year.

(ii) *Zone II* is enclosed by rhumb lines connecting in order points J, I, H, K, L, and M plus the shoreline between points J and M.

(iii) *Zone III* is enclosed by rhumb lines connecting in order points P, Q, R, U, S, and P. It is unlawful to fish for shrimp in that part of Zone III that is in the EEZ during the period of October 5 through May 20, each year.

(iv) *Zone IV* is enclosed by rhumb lines connecting in order points E, N, S, O, and E.

(A) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ during the periods of October 5 through December 1 and April 2 through May 20, each year.

(B) It is unlawful to fish for shrimp in that part of Zone IV that is in the EEZ during the period of December 2 through April 1, each year.

(v) *Zone V* is enclosed by rhumb lines connecting in order points F, G, K, L, and F.

(A) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ during the periods of Octoer 5 through November 30 and March 16 through May 20, each year.

(B) It is unlawful to fish for shrimp n that part of Zone V that it is in the EEZ during the period of December 1 through March 15, each year.

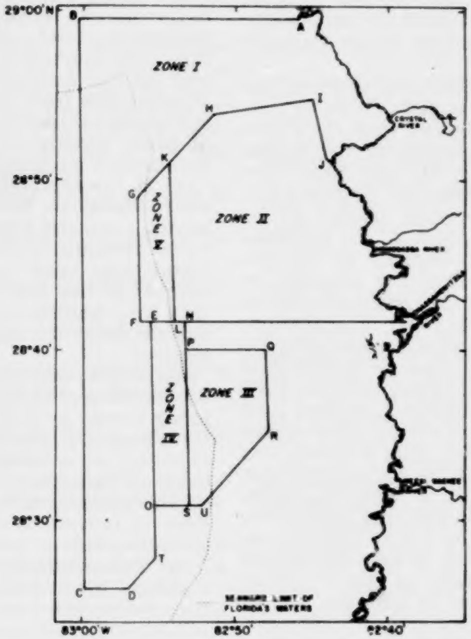


Figure 3. Shrimp/stone crab separation zones.

(2) No person may place into the anagement area any article, includg fishing gear, with the intent to terfere with fishing or obstruct or amage fishing gear or fishing vessels f others; or to utilize willfully fishing ear in such a fashion that it obstructs r damages the fishing gear or fishing essel of another.

6 FR 27494, May 20, 1981, as amended at FR 30717, Aug 1, 1984; 50 FR 25714, June , 1984; 52 FR 19148, 19149, May 21, 1987; FR 38235, 38236, Sept. 15, 1989]

658.24 Zone modification procedures.

(a) *Procedure for modifying existing stricted fishing areas for shrimp shermen in the EEZ* (inshore of 83.0° . longitude) *off Pasco, Hernando, and Citrus Counties, Florida, by notice.*

(1) The Pasco, Hernando, and Citrus Counties Shrimping and Crabbing Advisory Committee (Committee) may propose modification to the exclusive fishing areas for shrimping and for crabbing provided by § 658.23 to resolve any conflict in both State waters and the EEZ inshore of 83.0° W. longitude, at its public meetings. Such a zoning proposal for fishing areas may be initiated at anytime by the Committee in response to changing conditions in the fishery and may include zoning configurations that fluctuate or change on specific dates to allow for optimum production by the user groups affected.

(2) The Committee will submit the zoning proposal to the State regulatory agencies, Florida Department of Natural Resources (FDNR) and Florida Marine Fisheries Commission (FMFC), for implementation in State waters and may submit the proposal to the Council for initial review and comment.

(3) After the State has accepted the proposal for promulgation as a rule, the State may request that the Council adopt that portion of the zoning proposal relating to the EEZ. The Council will review the proposal and administrative record developed by the State in support of its proposed rule and will recommend to the Regional Director that the proposal be implemented (or not implemented) or implemented with minor modifications in EEZ. If the Council or Regional Director determine that the opportunity for public comment through the State system was inadequate, they may hold public hearings on the zoning proposal affecting the EEZ. The Council may also avail itself of the advice and counsel of its Scientific and Statistical Committee, its Shrimp and Stone Crab Advisory Panels, or an Ad Hoc Advisory Panel consisting of persons fishing the Federal waters, in the review of the proposal or to propose zoning modifications. Should the Council recommend that the Federal portion of the proposal not be implemented or be modified, it will immediately notify the State and specify its reasons for such action.

(4) If the Secretary, after receiving the recommendations of the Council, concludes that such recommendations are consistent with the objections of the FMPs, the Magnuson Act, other applicable law, the Secretary will implement them by notice in the FEDERAL REGISTER. If the Regional Director determines that the recommended action of the Council should not be implemented, the Regional Director will immediately notify the Council and State of his reasons and may suggest an alternative to the recommended action. The Council, after conferring with the State, will immediately advise the Regional Director as to the acceptability of the alternative.

(5) In the event that the Committee fails to act or is unable to develop a compromise solution for fishing the area, or if the Committee is abolished or otherwise becomes nonfunctional, the Council will call upon the FMFC to provide the recommendations under paragraphs (a)(1) and (2) of this section. The Council may then utilize its own Ad Hoc Advisory Panel consisting of fishermen from the area affected to advise the Council on the acceptability of these recommendations or to propose zoning modifications.

(6) If the Committee is enlarged or restructured to have authority over zoning for other counties, the restructured committee may provide recommendations under paragraphs (a) (1) and (2) of this section and the Secretary may implement such recommendations under paragraph (a) (4) of this section.

(7)(i) The Secretary may, with the concurrence of the Council, modify existing zoning by publishing a notice in the FEDERAL REGISTER if the Regional Director determines that the procedures in paragraphs (a)(1) through (5) of this section cannot be followed in time to prevent inequitable access to the resources.

(ii) The Secretary will invite public comment prior to the effective date of the notice. If the Secretary determines, for good cause, that a notice must be promulgated immediately, comments will be received for 15 days after the effective date of the notice.

(iii) As soon as practicable after the end of the comment period, the Secretary will either rescind modify or allow the modification to the existing zoning to remain unchanged through notice in the FEDERAL REGISTER.

(8)(i) In the event that the Regional Director determines that the procedural paragraphs (a)(1) through (5) of this section cannot be followed in time to resolve or prevent serious conflict, the Secretary may, with the concurrence of the Council, publish a notice in the FEDERAL REGISTER to

(A) Close the area or portion thereof to shrimp fishing for a period not to exceed 30 days; and/or

(B) Modify the configuration of the existing boundaries of the fishing areas as specified in the rule in the

EEZ for part of or for the duration of the stone crab season and close the fisheries in the areas affected for 10 days to allow stone crab traps to be moved. Provide such buffer zones where no fishing is allowed, as are deemed necessary.

(ii) Not later than 72 hours after the effective date of the modification to the regulation under paragraph (b)(1) of this section, the Regional Director will conduct a public fact-finding hearing. Notice of such hearing will be provided to the following:

(A) The Chairman of the Council or his designee;

(B) The Director of the FDNR or his designee;

(C) The Chairman of the FMFC or his designee;

(D) Local news media as may be appropriate;

(E) Such user group representatives or organizations as may be appropriate and practicable; and

(F) Others deemed appropriate by the Regional Director.

(iii) The fact-finding hearing will be for the purpose of evaluating the following:

(A) The existence and seriousness of the conflict needing resolution by the modification to the existing rule;

(B) The appropriate duration of the modification to the existing rule;

(C) Other solutions to the conflict; and

(D) Other relevant matters.

(iv) The Secretary, within ten days after conclusion of the factfinding hearing will either rescind, modify or allow the modification to the existing rule to remain unchanged through notice in the FEDERAL REGISTER.

(b) The Secretary, in consultation with or based on recommendations by the Council, may by regulatory amendment take such action as may be necessary and appropriate to resolve any conflict in the area off Pasco, Hernando and Citrus Counties, Florida (inshore of 83.0′ W. longitude) or any other part of the EEZ, provided such action is taken in a manner which to the maximum extent practicable is consistent with action recommended by or taken by the adjacent coastal State.

(c) Nothing contained in the section limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act.

[49 FR 30718, Aug. 1, 1984, as amended at 52 FR 19148, May 21, 1987]

§ 658.25 Texas closure.

(a) *Area and season restrictions.* Between June 1 and July 15, the area described in this paragraph is closed to all trawl fishing, except that a vessel may fish for royal red shrimp beyond the 100-fathom depth contour. The area is that part of the EEZ off the State of Texas west of a line connecting point A (29°32.1′N. lat., 93°47.7′W. long.) to point B (26°11.4′N. lat., 92°53′W. long.) (see figure 4).

(b) *Adjustment of dates.* The Regional Director may adjust the closing or opening date by as much as 15 days, to provide an earlier, later, or longer closure; but the duration of the closure may not exceed 60 days, nor be less than 45 days.

(1) The Regional Director must base an adjustment of the closing or opening date on the following criteria:

(i) Biological data collected by the Texas Parks and Wildlife Department (TPWD) and used to predict when brown shrimp in the central and northern bays of Texas will reach a total length of 80 to 90 mm; and

(ii) The strength of outgoing tides at the time predicted under paragraph (b)(1)(i) of this section; and

(iii) Other ecological data relevant to the timing or duration of the closure.

(2) The Regional Director, after consulting with the TPWD, may adjust the closing or opening date by issuing a notice in the FEDERAL REGISTER. The notice will specify the adjusted date and the reasons for the adjustment.

(3) A notice in the FEDERAL REGISTER advancing the closing date or delaying the opening date must be available to the public for 72 hours before its effective date. A notice in the FEDERAL REGISTER delaying the closing date or advancing the opening date must be available to the public for 24 hours before its effective date.

(4) A notice in the FEDERAL REGISTER may be made available to the public by any of the following methods:

(i) Procedures customarily used by the TPWD for posting and publicizing similar notices of opening or closure;

(ii) Publication of a notice in a newspaper of major circulation in each of the following cities: Brownsville, TX; Aransas Pass, TX; Galveston, TX; Corpus Christi, TX; Freeport, TX; Port Arthur, TX; Cameron, LA; and Morgan City, LA;

(iii) Notification of shrimp fishery organizations in all the States bordering the Gulf of Mexico;

(iv) Broadcast of a notice at time intervals, channels, and frequencies customarily used by the TPWD to broadcast similar notices of opening or closure.

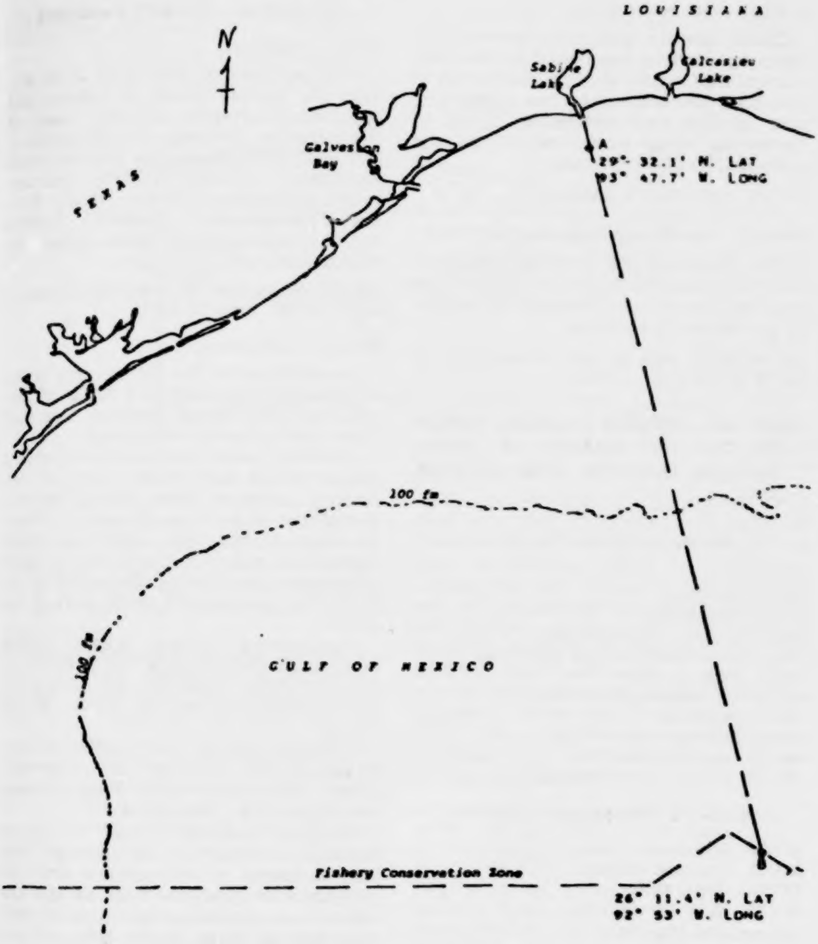

LOUISIANA
N
Sabine Lake
Calcasieu Lake
Galveston Bay
TEXAS
A
29° 32.1' N. LAT
93° 47.7' W. LONG
100 fm
100 fm
GULF OF MEXICO
Fishery Conservation Zone
B
26° 11.4' N. LAT
92° 53' W. LONG

FIGURE 4 SEASONAL CLOSURE TO SHRIMPING OFF THE STATE OF TEXAS

[46 FR 27494, May 20, 1981. Redesignated at 49 FR 30718, Aug. 1, 1984, and amended at 50 FR 37199, Sept. 12, 1985; 52 FR 19148, May 21, 1987; 54 FR 38238, Sept. 15, 1989]

§ 658.26 Size restrictions.

There are no minimum size restrictions for shrimp harvested in the EEZ except that white shrimp harvested in the EEZ are subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State.

[55 FR 18121, May 1, 1990]

§ 658.27 Specifically authorized activities.

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[46 FR 27494, May 20, 1981. Redesignated at 49 FR 30718, Aug. 1, 1984]

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Subpart A—General Measures

Sec.
661.1 Purpose.
661.2 Definitions.
661.3 Relation to other laws.
661.4 Recordkeeping and reporting.
661.5 Prohibitions.
661.6 Facilitation of enforcement.
661.7 Penalties.
661.8 Experimental fishing.
661.9 Scientific research.
661.10 Treaty Indian fishing.

Subpart B—Management Measures

661.20 Annual actions.
661.21 Inseason actions.
661.22 Other actions.
661.23 Notice procedures.
APPENDIX TO PART 661

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 49 FR 43682, Oct. 31, 1984, unless otherwise noted.

Subpart A—General Measures

§ 661.1 Purpose.

The purpose of this part is to provide for management of salmon and steelhead fisheries off the coasts of Washington, Oregon, and California in the EEZ over which the United State exercises exclusive fishery management authority (i.e., the Pacific Fishery Management Council's Salmon Fishery Management Area) under the Magnuson Act.

[52 FR 49020, Dec. 29, 1987, as amended a 53 FR 24658, June 29, 1988]

§ 661.2 Definitions.

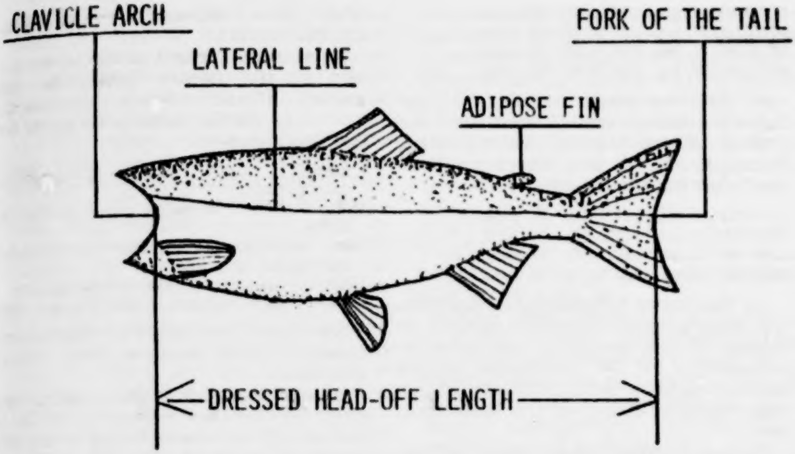
In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Barbless hook means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Where *barbless hooks* are specified, hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

Commercial fishing means fishing with troll fishing gear as defined annually under § 661.23, or fishing for the purpose of sale or barter of the catch.

Council means the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201-5344.

Dressed, head-off length of salmon means the shortest distance between the midpoint of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.



Dressed, head-off salmon means salmon that have been beheaded, gilled, and gutted without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 miles offshore, bounded on the north by the Provisional International Boundary between the United States and Canada and bounded on the south by the International Boundary between the United States and Mexico. The inner boundary of the EEZ is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit"). The outer boundary of the EEZ is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico. The northeastern, northern, and northwestern boundaries of the fishery management area are as follows:

(a) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the United States and Canada (at 48°29′37″ N. latitude, 124°43′33″ W. longitude), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(b) Northern and northwestern boundary is a line [1] connecting the following coordinates:

48°29′37.19″ N. lat., 124°43′33.19″ W. long.;
48°30′11″ N. lat., 124°47′13″ W. long.;
48°30′22″ N. lat., 124°50′21″ W. long.;
48°30′14″ N. lat., 124°52′52″ W. long.;
48°29′57″ N. lat., 124°59′14″ W. long.;
48°29′44″ N. lat., 125°00′06″ W. long.;
48°28′09″ N. lat., 125°05′47″ W. long.;
48°27′10″ N. lat., 125°08′25″ W. long.;
48°26′47″ N. lat., 125°09′12″ W. long.;
48°20′16″ N. lat., 125°22′48″ W. long.;
48°18′22″ N. lat., 125°29′58″ W. long.;
48°11′05″ N. lat., 125°53′48″ W. long.;
47°49′15″ N. lat., 126°40′57″ W. long.;

---

[1] The line joining these coordinates is the provisional international boundary of the U.S. EEZ as shown on NOAA/NOS Charts #18480 and #18002.

47°36′47″ N. lat., 127°11′58″ W. long.;
47°22′00″ N. lat., 127°41′23″ W. long.;
46°42′05″ N. lat., 128°51′56″ W. long.;
46°31′47″ N. lat., 129°07′39″ W. long.

(c) The southern boundary of the fishery management area is the United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35′22″ N. lat., 117°27′49″ W. long.;
32°37′37″ N. lat., 117°49′31″ W. long.;
31°07′58″ N. lat., 118°36′18″ W. long.;
30°32′31″ N. lat., 121°51′58″ W. long.

(d) The inner boundaries of the fishery management area are subject to change if the Secretary assumes responsibility for the regulation of the salmon fishery within State waters under section 306(b) of the Magnuson Act.

Freezer trolling vessel means a fishing vessel, equipped with troll fishing gear, which has a present capability for (a) on-board freezing of the catch, *and* (b) storage of the fish in a frozen condition until they are landed.

Land or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

Plugs means artificial fishing lures made of wood or hard plastic with one or more hooks attached. Lures commonly known as "spoons", "wobblers", "dodgers", and flexible plastic lures are not considered plugs, and may not be used where "plugs only" are specified.

Recreational fishing means fishing with recreational fishing gear as defined annually under § 661.23 and not for the purpose of sale or barter.

Recreational fishing gear will be defined annually under § 661.23.

Regional Director means the Director, Northwest Region, National Marine Fisheries Service (7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115-0070) or his designee. For fisheries occurring primarily or exclusively in the fishery management area seaward of California, *Regional Director* means the Director, Northwest Region, National Marine Fisheries Service, acting in consultation with the Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731-7415.

Salmon means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to—

Chinook (king) salmon—*Oncorhynchus tshawytscha*
Coho (silver) salmon—*Oncorhynchus kisutch*
Pink (humpback) salmon—*Oncorhynchus gorbuscha*
Chum (dog) salmon—*Oncorhynchus keta*
Sockeye (red) salmon—*Oncorhynchus nerka*

Steelhead means the anadromous form of the rainbow trout, *Salmo gairdneri*.

Total length of salmon means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

Treaty Indian fishing means fishing for salmon and steelhead in the fishery management area by a person authorized by the Makah Tribe to exercise fishing rights under the Treaty with the Makah, or by the Quileute, Hoh, or Quinault Tribes to exercise fishing rights under the Treaty of Olympia.

Troll fishing gear will be defined annually under § 661.23.

Whole bait means a hook or hooks baited with whole natural bait with no device to attract fish other than a flasher.

[49 FR 43682, Oct. 31, 1984; 49 FR 46148, Nov. 23, 1984, as amended at 50 FR 813, Jan. 7, 1985; 52 FR 34808, Sept. 15, 1987; 52 FR 49020, Dec. 29, 1987; 53 FR 24655, June 29, 1988. Redesignated and amended at 53 FR 24658, June 29, 1988; 54 FR 19191, May 4, 1989; 54 FR 20603, May 12, 1989]

§ 661.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) through (f) of this section.

(b) This part does not apply to fishing for pink and sockeye salmon between 48°N. latitude and the U.S.-Canada border during such times that the Pacific Salmon Commission exercises jurisdiction over such fishing under the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

(c) Any person fishing subject to this part who also engages in fishing for groundfish should consult Federal regulations at 50 CFR part 663 for applicable requirements of that part, including the requirement that vessels engaged in commercial fishing for groundfish (except commerical passenger vessels) have vessel identification in accordance with § 663.6 of that part.

(d) This part recognizes that any State law which pertains to persons licensed or vessels registered under the laws of that State and which is consistent with this part or any applicable Federal fishery management plan or amendment for the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California, including any State landing law, will continue to have force and effect in the fishery management area with respect to fishing activities addressed herein.

(e) Any person fishing subject to this part is bound by the international boundaries of the fishery management area described in § 661.2, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

(f) Any person fishing subject to this part who also engages in fishing for Pacific halibut should consult regulations of the International Pacific Halibut Commission at 50 CFR part 301 for applicable requirements of that part.

[49 FR 43682, Oct. 31, 1984, as amended at 52 FR 34808, Sept. 15, 1987; 52 FR 49020, Dec. 29, 1987. Redesignated and amended at 53 FR 24658, June 29, 1988]

§ 661.4 Recordkeeping and reporting.

(a) This part recognizes that catch and effort data necessary for implementation of any applicable fishery management plan or amendment is collected by the States and Indian tribes of Washington, Oregon, California, and Idaho under existing data collection provisions. Except as provided in paragraph (b) of this section, no additional catch reports will be required of fishermen or processors as long as the data collection and reporting systems operated by State agencies and Indian tribes continue to provide the Secretary with statistical information adequate for management.

(b) Persons engaged in commercial fishing may be required to submit catch reports that are specified annually under § 661.20.

(c) As appropriate, and to the extent it exists, relevant unaggregated data collected by observers placed aboard fishing vessels or by port samplers will be utilized in making preseason and inseason management adjustments to regulations as authorized by this part.

(Information collection requirements in § 661.4, paragraph (b) were approved by the Office of Management and Budget under control number 0648-0222)

[49 FR 43682, Oct. 31, 1984, as amended at 53 FR 24656, June 29, 1988; 54 FR 19191, May 4, 1989; 54 FR 29731, July 14, 1989]

§ 661.5 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(1) Engage in recreational fishing while aboard a vessel engaged in commercial fishing. This restriction is not intended to prohibit the use of fishing gear otherwise permitted under the definitions of troll and recreational fishing gear which are established annually under § 661.20 so long as that gear is legal in the fishery for which it is being used.

(2) Take and retain or land salmon caught with a net in the fishery management area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(3) Fish for, or take and retain, any species of salmon:

(i) During closed seasons or in closed areas;

(ii) While possessing on board any species not allowed to be taken in the area at the time;

(iii) Once any catch limit is attained;

(iv) By means of gear or methods other than recreational fishing gear or troll fishing gear, or gear authorized under § 661.20(a)(4) for treaty Indian fishing;

(v) In violation of any notice issued under this part; or

(vi) In violation of any applicable area, season, species, zone, gear, daily bag limit, or length restriction.

(4) Take and retain or possess aboard a fishing vessel any species of salmon which is less than the applicable minimum total length, including the applicable minimum length for dressed, head-off salmon.

(5) Possess aboard a fishing vessel a salmon, for which a minimum total length is extended, or cannot be determined, except that "dressed, head-off salmon" may be possessed aboard a "freezer trolling vessel" (unless the adipose fin of such salmon has been removed—see paragraph (b)(7) of this section).

(6) Fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this part.

(7) Remove the head of any salmon caught in the fishery management area, or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(8) Take and retain, possess, or land any steelhead (*Salmo gairdneri*) taken in the course of commercial fishing within the fishery management area, unless such take and retention qualifies as treaty Indian fishing as that term is defined in this subpart A of this part.

(9) Sell, barter, offer to sell, offer to barter, or purchase any salmon taken in the course of recreational salmon fishing.

(10) Refuse to submit fishing gear or catch subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(11) Fish for salmon in an area when salmon of less than the legal minimum length for that area are on board the fishing vessel, except that this provision does not prohibit transit of an area when salmon of less than the legal minimum length for that area are on board so long as no fishing is being conducted.

(12) Take and retain Pacific halibut (*Hippoglossus stenolepis*) except in accordance with regulations of the International Pacific Halibut Commission at 50 CFR part 301. Pacific halibut which cannot be retained lawfully must be returned to the water immediately and with the least possible injury.

(13) Violate any other provision of this part, the Magnuson Act, any notice issued under subpart B of this part, or any regulation or permit promulgated under the Magnuson Act.

(14) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any salmon.

(15) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act.

(b) The fishery management area is closed to salmon fishing except as opened by this part or superseding regulations or notices. All open fishing periods begin at 0001 hours and end at 2400 hours local time on the dates specified.

[49 FR 43682, Oct. 31, 1984, as amended at 52 FR 34808, Sept. 15, 1987; 53 FR 24656, June 29, 1988; 54 FR 19191, May 4, 1989]

§ 661.6 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 661.7 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

§ 661.8 Experimental fishing.

(a) The Secretary may allow such experimental fishing in the fishery management area as may be recommended by the Council, the Federal government, State government, or treaty Indian tribes having usual and accustomed fishing grounds in the fishery management area.

(b) The Secretary will not allow any experimental fishery recommended by the Council unless he determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (section 301(a) of the Magnuson Act), and other applicable law.

(c) Each vessel participating in any experimental fishery recommended by the Council and allowed by the Secretary is subject to all provisions of this part, except those portions which relate to the purpose and nature of the experimental fishery. These exceptions will be specified in a letter issued by the Regional Director to each vessel participating in the experimental fishery and that letter must be carried aboard each participating vessel.

§ 661.9 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific or oceanographic research in the fishery management area by a scientific research vessel. The Regional Director will acknowledge any notification he might receive of any bona fide scientific or oceanographic research with respect to salmon being conducted by a scientific research vessel, by issuing to the operator or master of that vessel a letter or acknowledgment, containing information on the purpose, locations, and schedules of the activities. The Regional Director will transmit copies of this letter to the Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

§ 661.10 Treaty Indian fishing.

Except as otherwise provided in this part, treaty Indian fishing in any part of the fishery management area is subject to the provisions of this part, the Magnuson Act, and any other regulations issued under the Magnuson Act.

Subpart B—Management Measures

§ 661.20 Annual actions.

(a) The Secretary will annually establish or, as necessary, adjust management specifications for the commercial, recreational, and treaty Indian fisheries by publishing a notice in the FEDERAL REGISTER under § 661.23. Management specifications may include allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons, selective fisheries, and inseason notice procedures for each fishery and may be specified as follows:

(1) *Commercial fishing.* (i) Area, seasons, species, zone, and gear restrictions.

(ii) Length restrictions (minimum total lengths, in inches, and minimum lengths for dressed, head-off, in inches).

(iii) Reporting requirements.

(2) *Recreational fishing.* (i) Area, season, species, zone, daily bag limits, and gear restrictions.

(ii) Length restrictions (minimum total lengths, in inches).

(3) *Quotas.* Commercial and recreational, by species (including fish caught 0-3 nautical miles seaward of Washington, Oregon, and California).

(4) *Treaty Indian fishing.* (i) Area, season, fixed or adjustable quotas, species, zone, and gear restrictions.

(ii) Length restrictions (minimum total length, in inches).

(5) *Inseason notice procedures.* Telephone hotlines and U.S. Coast Guard broadcasts.

(b) *Schedule and procedures for annual actions.* The schedule and procedures for establishing and adjusting annual management specifications are described in the Appendix to this part (Section I.; II. A. and B.) The schedule will be followed to the extent possible. In the event that a deviation from the schedule occurs, it will not affect the validity of any action taken.

(Information collection requirements in § 661.20, paragraph (a)(1)(iii) were approved by the Office of Management and Budget under control number 0648-0222)

[49 FR 43682, Oct. 31, 1984, as amended at 52 FR 4146, Feb. 10, 1987; 54 FR 19191, May 4, 1989; 54 FR 29731, July 14, 1989]

§ 661.21 Inseason actions.

(a) *Fixed inseason management provisions.* The Secretary is authorized to take the following inseason management actions annually as appropriate. They are more specifically described in the appendix to this part, section III., together with the procedures for their implementation.

(1) *Automatic season closures based on quotas.* When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

(2) *Rescission of automatic closure.* If a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, the Secretary will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided the Secretary finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours. The season will be reopened by notice issued under § 661.23.

(3) *Adjustment for error in preseason estimate.* The Secretary may, by notice issued under § 661.23, make appropriate changes in relevant seasons or quotas if a significant computational error or errors made in calculating preseason estimates of salmon abundance are identified.

(b) *Flexible inseason management provisions.* (1) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of quotas and/or fishing seasons.

(ii) Modifications in the species which may be caught and landed during specific seasons and the establishment or modification of limited r
tention regulations.

(iii) Changes in recreational b
limits and recreational fishing da
per calendar week.

(iv) Establishment or modification
gear restrictions.

(v) Modification of boundaries, i
cluding landing boundaries, and esta
lishment of closed areas.

(2) The procedures for developme
and implementation of flexible inse
son management provisions are d
scribed in § 661.23 and in the Appe
dix to this part, Section III.

[49 FR 43682, Oct. 31, 1984, as amended
50 FR 813, Jan. 7, 1985; 50 FR 4978, Feb.
1985; 52 FR 4148, Feb. 10, 1987; 52 F
49021. Dec. 29, 1987; 54 FR 19192, May
1989]

§ 661.22 Other actions.

Modifications to escapement goal
Escapement goals, together with crite
ria and procedures for their modific
tion, are set forth in the appendix t
this part, Section IV. The Secretary
authorized to modify an escapemen
goal if—

(a) A comprehensive technica
review of the best scientific informa
tion available provides conclusive evi
dence which, in the view of th
Salmon Technical Team and th
Council, justifies modification of a
escapement goal;

(b) For Oregon coastal chinook, spe
cific stock goals are developed withi
the overall goal for south coast an
north coast stocks respectively; or

(c) Action by a Federal court indi
cates that modification of an escapement goal is appropriate.

[50 FR 813, Jan. 7, 1985, as amended at 5
FR 19192, May 4, 1989]

§ 661.23 Notice procedures.

(a) *Notification.* (1) Annual and certain other actions taken under
§§ 661.20 and 661.22 will be by notice
filed with the FEDERAL REGISTER.

(2) Inseason actions taken under
§ 661.21 will be by notice available
from telephone hotlines and U.S.
Coast Guard broadcasts as specified
annually under § 661.20(a). Inseason actions will also be filed with the FEDERAL REGISTER as soon as practicable.

(b) If time allows, the Secretary will invite public comment prior to the effective date of any notice filed with the FEDERAL REGISTER. If the Secretary determines, for good cause, that a notice must be filed without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the filing of the notice with the FEDERAL REGISTER.

(c) *Effective dates.* (1) Notice of annual and certain other actions taken under §§ 661.20 and 661.22 will be filed with the FEDERAL REGISTER and will be effective upon filing, unless a later time is specified in the notice.

(2) Notice of inseason actions taken under § 661.21 will be effective from the time specified in the actual notice of the action (telephone hotline and U.S. Coast Guard broadcasts), or at the time the notice filed with the FEDERAL REGISTER is effective, whichever comes first.

(3) Any notice issued under this section will remain in effect until the expiration date stated in the notice or until rescinded, modified, or superseded. However, no notice of an inseason action has any effect beyond the end of the calendar year in which it is issued.

(d) *Availability of data.* The Regional Director will compile in aggregate form all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, Washington. For actions affecting fisheries occurring primarily or exclusively in the fishery management area seaward of California, information relevent to the action also will be made available for public review during normal office hours at the Southwest Regional Office, National Marine Fisheries, 300 South Ferry Street, Terminal Island, California.

(e) Nothing contained in the part limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act, if the Secretary determines that an emergency involving the salmon fishery exists. Such emergency regulations are effective upon filing for public inspection with the Office of the Federal Register.

[49 FR 43682, Oct. 31, 1984. Redesignated and amended at 50 FR 813, Jan. 7, 1985; 54 FR 19192, May 4, 1989]

APPENDIX

I. INTRODUCTION

The regulations implementing the "Proposed Framework Plan for Managing the Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California Commencing in 1985" amend the Pacific Council's 1978 FMP to incorporate a flexible framework for setting preseason and inseason management measures without the need for a plan amendment. Under this framework amendment, certain principles and measures are fixed to provide a long-term management system, which cannot be altered without a plan amendment. Other measures are flexible and are determined before or during each season according to procedures specified in this document. The schedule for preseason modification of the regulations is shortened under this framework amendment, requiring approximately 60 days from initiation of a resource status report to implementation of regulatory changes. The framework provisions for annual adjustments, both preseason and inseason, are explained below. More detail concerning this framework mechanism and the rationale for its various components are presented in Chapter 3 of the FMP.

II. ANNUAL CHANGES TO MANAGEMENT SPECIFICATIONS

A. *Schedule for Establishing or Adjusting Annual Management Specifications.* The approximate schedule of events leading to the Secretary's annual management specifications is indicated below.

Approximate Date and Event

First week of March: The Council publishes a notice in the FEDERAL REGISTER announcing availability of documents, dates and locations of the two Council meetings to follow, dates and locations of public hearings, and the complete schedule for determining proposed and final management measures.

Second week of March: The Council's Salmon Technical Team (Team) distributes a report to the Council, its advisors, and the public recommending specific management measures for the upcoming season.

Third week of March: The Team's report is reviewed at a joint meeting of the Council's Scientific and Statistical Committee, the Team, and the Salmon Advisory Subpanel.

Third week of March: The Council meets to act on proposed management measures.

Last week of March: The Team distributes a report analyzing the impacts of the proposed annual management measures to the Council, its advisors, and the public.

First week of April: Public hearings.

Mid-April: The Council meets to adopt its final annual recommendations and submit them to the Secretary.

First week of May: A notice of Secretary's decision and final annual actions is published in the FEDERAL REGISTER.

May 15: Close of public comment period.

B. *Procedures for Establishing and Adjusting Annual Management Measures.* 1. Allowable ocean harvest levels and quotas. The following procedures describe the annual process used by the Salmon Team in estimating the allowable ocean harvest levels based on biological considerations. The Council may modify these estimates based on socioeconomic data and analysis, in accordance with Magnuson Act requirements, to calculate the final allowable ocean harvest levels.

(a) *Coho south of Leadbetter Point.* A preseason estimate will be made each year of the Oregon coastal natural coho salmon stock size, using the best scientific information and methodology available as determined by the Council.

(b) *Coho north or Cape Falcon.* Preseason abundance forecasts will be made for each stock based upon the best available forecasting techniques and consistent with forecasts made to establish preseason management plans for fisheries inside state waters. The Washinton Department of Fisheries/National Bureau of Standards (WDF/NBS) model will be adjusted to expected abundance levels by stocks. WDF/NBS model fishing rates will be adjusted to reflect anticipated regulations and exploitation rates asssociated with fisheries in Canada, Washington, Oregon, and California. Adult terminal run sizes will be estimated, in the absence of prior interceptions by fishermen subject to treaty Indian allocation requirements for management units with treaty obligations, using the WDF/NBS model. Treaty Indian and non-Indian harvest shares will be computed for each appropriate stock. The non-Indian troll and recreational quotas north or Cape Falcon will be computed with the WDF/NBS model based upon providing sufficient escapement from the ocean to provide for spawning escapement objectives and treaty shares of the weakest stocks. Separate quotas may be established for subareas within the area north of Cape Falcon. The allowable harvest in the area from Cape Falcon to Leadbetter Point will be established to address a blend of Oregon and Washington state coho management considerations. Specific provisions for non-Indian fishery needs inside State waters may be built into the quotas. Ocean coho quotas will be defined as either the maximum total allowable harvest of all stocks, which will be be estimated prior to the fishing season using the WDF/NBS model based on the maximum allowable harvest impact on weak stocks, or, if tools to monitor the actual catch of the ueak stocks inseason become available, as the maximum allowable ocean harvest of the weak stocks only.

(c) *California chinook.* Chinook abundance will be estimated relative to the previous year or to an average by examining factors including, but not limited to, relative ocean abundance of two-year-old and three-year-old chinook in the previous year, ocean escapements of two- and three-year-olds in key river systems in the previous year, magnitude of brood year escapements and hatchery releases, expected change in survival of hatchery fish due to changes in hatchery practices (e.g., time and location of release), and environmental factors (such as abundance of forage, floods and droughts). When a relative measure of expected chinook abundance is obtained, past management plans and their impact on escapements will be analyzed by simulation modeling to determine the appropriate harvest to meet the established escapement goal. The appropriate fishing season dates which would likely produce that harvest then will be estimated after analysis of expected fishing effort. For fall chinook salmon, the end of the season will be set at the time when most maturing fish have left the ocean in order to avoid problems of hooking fish which legally must be released and to increase poundage yield by allowing all immature fish to grow be harvested in the following year.

(d) *Oregon coastal chinook south of Cape Falcon.* A relative measure of stock abundance will be derived based on factors including, but not limited to, brood year escapement levels contributing to the year's fishery, catch levels in prior years, ocean assessment of two- and three-year-old chinook in previous years, relative age composition in prior years, environmental conditions, hatchery production levels, and changes in hatchery practices which might affect production. Information from prior year's fisheries will be reviewed to provide a calibration between past ocean management and resultant escapement. Past seasons will be reviewed in terms of season length, catch, fishing effort, relative stocks, abundance, and escapement level to determine relationships among catch levels, stock abundance, and spawning escapement. Based on established escapement goals and the factors out-

d above, an appropriate level of harvest
be determined for each year's fishery.
s desired catch level will be translated
a specific season structure based on the
ern of harvest over time, area distribu-
of catch, age structure of the popula-
by time and area, expected redistribu-
of catch and effort following season ad-
ments in any time period or area, and
agement objectives for other chinook
coho stocks. Seasons will be adjusted by
e and area to maximize the harvest of
ure fish of desired stocks while meeting
pement objectives. If additional restric-
s are required to reduce mortality of im-
ure chinook salmon, closures may be im-
ed.

) *Chinook north of Cape Falcon.* Presea-
abundance forecasts will be made for as
y stocks in the unit as possible based
n the best available forecasting tech-
es and consistent with forecasts made
establish preseason management plans
inside fisheries. Recent years' catch,
rt, and escapement levels will be used to
nate the expected harvest. When impor-
viable stocks are known to be de-
sed, appropriate season and/or quotas
be developed using general indicators
elative abundance. Quotas may be ap-
ioned to fishing periods and subareas in
onse to differential impacts upon stocks
oncern. As acceptable monitoring tools
developed to estimate the actual harvest
pecific stocks, a quota will be indentified
specific stocks rather than the total chi-
k harvest of all stocks. Each fishery will
managed during the season to ensure
the quota is not exceeded.

Allocation of ocean harvest levels.

) *Coho and chinook from the U.S.-
ada border to Cape Falcon.*

Allocation schedule. (A) Initial alloca-
of coho and chinook salmon north of
e Falcon, Oregon, will be based on the
wing schedule:

able non-treaty ocean harvest (thousands of fish)	Percentage [1]	
	Commercial	Recreational
00	25	75
00	60	40
ok:		
00	50	50
00–150	60	40
50	70	30

e percentage allocation is tiered and must be calculat-
additive steps when the harvest level exceeds the
tier. For example, for a total allowable ocean harvest of
00 chinook, the recreational allocation would be equal
percent of 100,000 chinook plus 40 percent of 50,000
ok or 50,000 + 20,000 = 70,000 chinook.

) The initial allocation may be modified
ually in accordance with paragraphs (iii)
ugh (v) of this section.

(ii) Total allowable ocean harvest will be maximized to the extent possible consistent with treaty obligations, state fishery needs, and spawning requirements. Every effort will be made to establish seasons and gear requirements that provide troll and recreational fleets a reasonable opportunity to catch the available harvest. These may include single-species directed fisheries with landing restrictions for other species.

(iii) The following deviations from the allocation schedule will be allowed annually. These deviations provide flexibility to account for the dynamic nature of the fisheries and better achieve the allocation objectives and fishery allocation priorities in paragraphs 2.(a) (iv) and (v) of this section.

(A) Preseason species trades (chinook and coho) may be made if they are based upon the recommendation of the commercial and recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon; simultaneously benefit both the commercial and recreational fisheries or benefit one fishery without harming the other; and are supported by a socio-economic analysis that compares the impacts of the recommendation to those of the standard allocation schedule to determine the allocation that best meets the allocation objectives. This analysis will be made available to the public during the preseason process for establishing annual management measures.

(B) Inseason transfers, including species trades of chinook and coho, may be permitted in either direction between commercial and recreational fishery quotas to allow for uncatchable fish in one fishery to be reallocated to the other. Fish will be deemed uncatchable by a respective commercial or recreational fishery only after considering all possible annual management actions to allow for their harvest that are consistent with the harvest management objectives specified in the FMP including consideration of single species fisheries. Implementation of inseason transfers will require consultation with the pertinent commercial and recreational Salmon Advisory Subpanel representatives from the area involved and the Salmon Technical Team, and a clear establishment of available fish and impacts from the transfer.

(C) Preseason trades will use an exchange ratio of four coho to one chinook as a desirable guideline. Inseason trades or transfers may vary from the guideline ratio to meet the allocation objectives in paragraph 2.(a)(iv) of this section.

(D) The percentages presented in the allocation schedule are averages for the entire area between Cape Falcon and the U.S.-Canada border. The geographic distribution of the allocation percentages may be varied by major subareas (i.e., north of Leadbetter Point and south of Leadbetter Point) if there is need to do so to protect the weak stocks. Deviations from the overall percentages in each major subarea will generally not exceed 50 percent of the allocation of each species that would have been established in the absence of the transfer. Deviation of more than 50 percent will be based on a conservation need to protect the weak stocks and will provide larger overall harvest for the entire fishery north of Cape Falcon than would have been possible without the deviation.

(iv) The goal of allocating ocean harvest north of Cape Falcon is to achieve, to the greatest degree possible, the following objectives for the commercial and recreational fisheries. When deviation from the allocation schedule is being considered, these objectives will serve as criteria to help determine whether a user group will benefit from the deviation.

(A) Provide recreational opportunity by maximizing the duration of the fishing season while minimizing daily and area closures and restrictions on gear and daily limits.

(B) Maximize the value of the commercial harvest while providing fisheries of reasonable duration.

(v) The following fishery allocation priorities will provide guidance in the preseason process of establishing final harvest allocations and structuring seasons that best achieve the allocation objectives. To the extent fish are provided to each fishery by the allocation schedule, these priorities do not favor one user group over the other and should be met simultaneously for each fishery. Seasons may be structured that deviate from these priorities consistent with the allocation objectives.

(A) At total allowable harvest levels up to 300,000 coho and 100,000 chinook: For the recreational fishery, provide coho for a late June through early September all-species season; provide chinook to allow access to coho and, if possible, a minimal chinook-only fishery prior to the all-species season; and adjust days per week and/or institute area restrictions to stabilize season duration. For the commercial fishery, provide chinook for a May and early June chinook season and provide coho for hooking mortality and/or access to a pink fishery, and ensure that part of the chinook season will occur after June 1.

(B) At total allowable harvest levels above 300,000 coho and above 100,000 chinook: For the recreational fishery, relax any restrictions in the all-species fishery and/or extend the all-species season beyond Labor Day as coho quota allows; provide chinook for a Memorial Day through late June chinook-only fishery; and adjust days per week to ensure continuity with the all-species season. For the commercial fishery, provide coho for an all species season in late summer and/or access to a pink fishery; and leave adequate chinook from the May through June season to allow access to coho.

(b) *Coho south of Cape Falcon.* (i) The following allocation schedule will be used in determining preseason allocation shares of coho salmon south of Cape Falcon, Oregon. The respective shares may be altered inseason if coho initially allocated to the recreational fishery but surplus to completing the recreational seasons are reallocated to the commercial fishery in accordance with paragraph 2(b)(iii) of this section.

Allowable ocean harvest (thousands of fish)	Commercial		Recreational	
	Number (thousands)	Percentage	Number (thousands)	Percentage
2,700	2,230	82.6	470	17.4
2,600	2,140	82.3	460	17.7
2,500	2,050	82.0	450	18.0
2,400	1,960	81.7	440	18.3
2,300	1,870	81.3	430	18.7
2,200	1,780	80.9	420	19.1
2,100	1,690	80.5	410	19.5
2,000	1,600	80.0	400	20.0
1,900	1,510	79.5	390	20.5
1,800	1,420	78.9	380	21.1
1,700	1,330	78.2	370	21.8
1,600	1,240	77.5	360	22.5
1,500	1,150	76.7	350	23.3
1,400	1,060	75.7	340	24.3
1,300	970	74.6	330	25.4
1,200	880	73.3	320	26.7
1,100	790	71.8	310	28.2
1,000	700	70.0	300	30.0
900	610	67.8	290	32.2
800	520	65.0	280	35.0
700	434	62.0	266	38.0
600	348	58.0	252	42.0

Allowable ocean harvest (thousands of fish)	Commercial		Recreational	
	Number (thousands)	Percentage	Number (thousands)	Percentage
	262	52.4	238	47.6
	176	44.0	224	56.0
	133	38.0	217	62.0
	100	33.3	200	66.7
	[1] 33	[1] 16.5	[1] 167	[1] 83.5
	([1])	([1])	([1])	([1])

An incidental coho allowance associated with any commercial all-salmon-except-coho fishery will be deducted from the
sational share of coho during periods of low coho abundance when the commercial allocation of coho under the schedule
ld be insufficient to allow for incidental hooking mortality of coho in the commercial all-salmon-except-coho fishery.

ii) The allocation schedule is based on
e following formula.
A) Up to 350,000 allowable ocean harvest:
e first 150,000 fish will be allocated to the
reational fishery. Additional fish will be
ocated 66.7 percent to troll and 33.3 per-
t to recreational. The incidental coho
rtality for a commercial all-salmon-
ept-coho fishery will be deducted from
e troll allocation. If the troll allocation is
ufficient for this purpose, the remaining
nber of coho needed for this estimated
idental coho mortality will be deducted
m the recreational share.
B) From 350,000 to 800,000 allowable
an harvest: The recreational allocation is
al to 14 percent of the allowable harvest
ve 350,000 fish, plus 217,000 fish. The re-
inder of the allowable ocean harvest will
allocated to the troll fishery.
C) Above 800,000 allowable ocean har-
t: the recreational allocation is equal to
percent of the allowable harvest above
,000 fish, plus 280,000 fish. The remain-
of the allowable ocean harvest will be al-
ated to the troll fishery.
D) The above formula will be used to in-
olate between allowable harvest levels
wn in the table above.
ii) On or about August 1 each year, the
mon Technical Team will estimate the
nber of coho salmon needed to complete
recreational seasons. Any coho salmon
cated to the recreational fishery which
not needed to complete the recreational
sons will be reallocated to the commer-
fishery.
v) Allowable harvest south of Cape
con may be divided and portions as-
ned to subareas based on considerations
uding, but not limited to, controlling
an harvest impacts on depressed, viable
ural stocks within acceptable maximum
wable levels; stock abundance; allocation
siderations; stock specific impacts; rela-
abundance of the salmon species in the
ery; escapement goals; and maximizing
vest potential.
Management boundaries and zones.
anagement boundaries and zones will be
blished or adjusted as necessary to
ieve a conservation purpose. A conservation purpose protects a fish stock, simplifies management of a fishery, or promotes wise use of fishery resources by, for example, separating fish stocks, facilitating enforcement, separating conflicting fishing activities, or facilitating harvest opportunities. Management boundaries and zones will be described by geographical references, coordinates (latitude and longitude), LORAN readings, depth contours, distance from shore, or similar criteria.

4. Minimum harvest lengths.

The minimum harvest lengths for commercial, recreational, and treaty Indian fishing may be changed upon demonstration that a useful purpose will be served. For example, an increase in minimum size for commercially-caught salmon may be necessary for conservation or may provide a greater poundage and monetary yield from the fishery while not substantially increasing hooking mortality. The removal of a minimum size for the recreational fishery may prevent wastage of fish and outweight the detrimental impacts of harvesting immature fish.

5. Recreational daily bag limit.

Recreational daily bag limits for each fishing area will be set equal to one, two, or three salmon of same combination of species. The recreational daily bag limit for each fishing area will be set to maximize the length of the fishing season consistent with the allowable level of harvest in the area.

6. Fishing gear restrictions.

Gear restrictions for commercial, recreational, and treaty Indian fishing may be established or changed upon demonstration that a useful purpose will be served. For example, gear restrictions may be imposed or modified to facilitate enforcement, reduce hooking mortality, or reduce gear expenses for fishermen.

7. Seasons.

(a) *In general.* Seasons for commercial, recreational, and treaty Indian fishing will be established or modified taking into account allowable ocean harvest levels (and quotas), allocations between the commercial and recreational fisheries, and the estimated amount of effort required to catch the available fish based on past seasons.

(b) *Inseason adjustment.* Seasons are subject to inseason adjustment according to procedures described herein.

(c) *Commercial seasons.*

(i) Commercial seasons will be established or modified taking into account wastage of fish which cannot legally be retained, size and poundage of fish caught, effort shifts between fishing areas, and protection of depressed stocks present in the fishing areas.

(ii) All-species seasons will be established to allow the maximum allowable harvest of pink and sockeye salmon without exceeding allowable chinok or coho harvest levels and within conservation and allocation constraints of the pink and sockeye stocks.

(d) *Recreational seasons.* If feasible, recreational seasons will be established or modified to encompass Memorial Day and Labor Day weekends, and to avoid the need for inseason closures.

8. Quotas.

(a) Quotas for commercial, recreational, and treaty Indian fishing may be modified as necessary to ensure that allowable ocean harvests are not exceeded.

(b) Quotas are subject to inseason adjustment according to the procedures herein.

(c) Quotas may be used in conjunction with season established according to the procedures herein.

9. Selective fisheries.

In addition to the all-species seasons and the all-species-except-coho seasons established for the commercial and recreational fisheries, selective coho-only, chinook-only, or pink-only fisheries may be established if harvestable fish of the target species are available; harvest of incidental species will not exceed allowable levels; proven, documented selective gear exists; significant wastage of incidental species will not occur; and the selective fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are primarily available.

10. Treaty Indian fishing.

(a) The Secretary will establish or modify treaty Indian fishing seasons and/or fixed or adjustable quotas, size limits, gear restrictions, and/or area restrictions taking into account recommendations of the Council, proposals from affected tribes, and relevant Federal court proceedings.

(b) The combined treaty Indian fishing seasons will not be longer than necessary to harvest the allowable treaty Indian catch, which is the total treaty harvest that would occur if the tribes chose to take their total entitlement of the weakest stock in the fishery management area, assuming this level of harvest did not create conservation or allocation problems on other stocks.

(c) Any fixed or adjustable quotas established will be consistent with established treaty rights and will not exceed the harvest that would occur if the entire treaty entitlement to the weakest run were taken by treaty Indian fisheries in the fishery management area.

(d) If adjustable quotas are established for treaty Indian fishing, they may be subject to inseason adjustment because of unanticipated coho hooking mortality occurring during the season, catches in treaty Indian fisheries inconsistent with those unanticipated under Federal regulations, or a need to redistribute quotas to ensure attainment of an overall quota.

11. Inseason notice procedures.

Telephone hotlines and U.S. Coast Guard broadcasts will provide actual notice of inseason actions for commercial, recreational, and treaty Indian fishing. Fishermen must monitor either or both information sources. Inseason actions will also be published in the FEDERAL REGISTER as soon as practicable.

12. Reporting requirements.

Reporting requirements for commercial fishing may be imposed as necessary to ensure timely and accurate assessment of catches in regulatory areas subject to quota management. Such reports are subject to the limitations described herein. Persons engaged in commercial fishing in a regulatory area subject to quota management and landing their catch in another regulatory area open to fishing may be required to transmit a brief radio report prior to leaving the first regulatory area. The regulatory areas subject to these reporting requirements, the contents of the radio reports, and the entities receiving the reports will be specified annually.

III. INSEASON CHANGES TO MANAGEMENT MEASURES

A. *Fixed inseason management provisions.* The following inseason management provisions are not optional and will be used annually as appropriate without the need for Council action.

1. *Automatic season closures based on quotas.* When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

2. *Rescission of automatic closure.* If, following the closing of a fishery after a quota is reached, it is discovered that the actual catch was overestimated and the season was closed prematurely, the Secretary is authorized to reopen the fishery if—

(a) The shortfall is sufficient to allow at east one full day's fishing (24 hours) based n the best information available concerng expected catch and effort; and

(b) The unused portion of the quota can e taken before the scheduled season nding.

The Secretary's decision to reopen a fishry will be based upon projections and estiaates of catch by the Salmon Technical 'eam, and will be made in consultation with he Council Chairman and Fisheries Direcors of the affected States. If the fishery is eopened, its duration will be limited to omplete fishing days, (24 hour increments) nd coordinated, to the extent possible, ith State management agencies to assure hat the quota is not exceeded.

3. *Adjustment for error in preseason estiaates.* The Secretary may make changes in easons or quotas if a significant computaonal error or errors made in calculating reseason estimates of salmon abundance ave been identified; provided that such orrection to a computational error can be ade in a timely fashion to affect the inolved fishery without disrupting the capacy to meet the objectives of the manageent plan. Such correction and adjustments seasons and quotas will be based on a ouncil recommendation and Salmon Techical Team analysis.

B. *General procedures for flexible inseason anagement provisions.*

1. Fishery managers must determine that ny inseason adjustment in management easures is consistent with fishery regimes tablished by the U.S.-Canada Pacific almon Commission, ocean escapement als, conservation of the salmon resource, y adjudicated Indian fishing rights, and e ocean allocation scheme in the FMP. In ldition, all inseason adjustments will be sed on consideration of the following facrs:

(a) Predicted sizes of salmon runs;

(b) Harvest quotas and hooking mortality nits for the area and total allowable pact limitations if applicable;

(c) Amount of the recreational, commeral, and treaty Indian catch for each spes in the area to date;

(d) Amount of recreational, commercial, d treaty Indian fishing effort in the area date;

(e) Estimated average daily catch per fishman;

f) Predicted fishing effort for the area to e end of the scheduled season; and

g) Other factors as appropriate.

. For those actions taken during the ason, the following procedures will be folved:

a) Prior to taking any inseason action the gional Director will consult with the airman of the Council and the appropri State Directors.

(b) As the actions are taken by the Secretary, the Regional Director will compile in aggregate form all data and other information relevent to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle, WA.

(c) Notice of inseason actions will be available through telephone hotlines and U.S. Coast Guard broadcasts. In addition, notice of inseason actions will be filed with the FEDERAL REGISTER as soon as practicable.

(d) If the Secretary determines, for a good cause, that a notice must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective date of the notice.

IV. ESCAPEMENT GOALS

A. *Current escapement goals.*

The following specific escapement goals are in effect unless modified as provided herein. Annual management objectives for Washington coastal fall, spring, and summer chinook; Puget Sound chinook; Washington coastal coho; and Puget Sound coho are developed through fixed procedures established in the U.S. District Court.

SUMMARY OF SPECIFIC MANAGEMENT GOALS FOR STOCKS IN THE SALMON MANAGEMENT UNIT

System	Spawning [1] escapement goal
Sacramento Fall Chinook [2]	Range of 122-180,000 for natural and hatchery
Klamath Fall Chinook	35 percent of the potential adults from each brood of natural spawners, but no fewer than 35,000 naturally spawning adults in any one year [3]
Oregon Coastal Chinook	150-200,000 natural
Columbia River Chinook:	
Upper River Fall	40,000 bright adults above McNary Dam
Upper River Summer	80,000 adults above Bonneville
Upper River Spring	100-200,000 adults above Bonneville
Lower River Spring (Willamette).	30-35,000
Columbia River and Oregon Coastal Coho.	Oregon coastal natural (OCN) coho spawning escapement goal is based on OCN coho stock abundance [4]
Puget Sound Pink	900,000 natural
Lake Washington Sockeye [5].	300,000 to Lake Washington
Columbia River Sockeye [5]	80,000 over Priest Rapids

[1] Represents adult natural spawning escapement goal for viable natural stocks or adult hatchery return goal for stocks managed for artificial production.

[2] The Sacramento River escapement goal is presented as a range within which annual escapements can be expected to vary. Achieving the upper end of the range, especially for the up-river chinook stocks, will be contingent upon solving the problems associated with the Red Bluff Diversion Dam.

[3] The minimum escapement floor of 35,000 naturally spawning adults may be modified only by amendment to the FMP.

[4] Achieve escapement of OCN coho natural spawning stocks as follows:

Estimated stock size	Spawning escapement goal
Up to 270,000	135,000
270,000 to 400,000	one-half of stock size
Over 400,000	200,000

[5] These stocks represent a negligible component of the Washington ocean harvest.

B. *Modification of escapement goals.*

1. At any time during the year, the Team may conduct a comprehensive technical review of existing biological data to determine whether a change in escapement goals is warranted.

2. The Team will submit any recommendation for modifying an escapement goal with justification to the Council. The recommendation must be based on the best scientific information available and provide conclusive technical evidence to justify modification of an escapement goal.

3. If the recommendation for change is approved by the Council, the Secretary may change the escapement goal if he determines that such a change is justified.

4. Appropriate changes in escapement goals may be made in response to action by a Federal court without regard to the procedures listed above.

5. For Oregon coastal chinook, if the Oregon Department of Fish and Wildlife develops specific goals for north coast and south coast stocks within the overall goal, these changes may be made by the Secretary without regard to the procedures listed above.

6. Modification of escapement goals will be published by notice in the FEDERAL REGISTER under § 661.23.

(Information collection requirements in section II.B.12 were approved by the Office of Management and Budget under control number 0648-0222)

[49 FR 43682, Oct. 31, 1984; 49 FR 46148, Nov. 23, 1984, as amended at 50 FR 813, Jan. 7, 1985; 50 FR 4978, Feb. 5, 1985; 50 FR 42530, Oct. 22, 1985; 52 FR 4148, 4149, Feb. 10, 1987; 52 FR 49021, Dec. 29, 1987; 54 FR 19192, May 4, 1989; 54 FR 29731, July 14, 1989]

PART 662—NORTHERN ANCHOVY FISHERY

Subpart A—General

Sec.

662.1 Purpose and scope.
662.2 Definitions.
662.3 Relation to other laws.
662.4 Recordkeeping and reporting.
662.5 Vessel identification.
662.6 Prohibitions.
662.7 Facilitation of enforcement.
662.8 Penalties.

Subpart B—Management Measures

662.20 Harvest quota.
662.21 Closures.
662.22 Fishing seasons.
662.23 Closed areas.
662.24 Gear limitations.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 49 FR 9572, Mar. 14, 1984, unless otherwise noted.

Subpart A—General

§ 662.1 Purpose and scope.

This part governs fishing for northern anchovy by vessels of the United States in the Pacific anchovy fishery area (PAFA). These regulations implement the Northern Anchovy Fishery Management Plan (FMP) developed by the Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act) as amended.

§ 662.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Anchovy means fish of the species *Engraulis mordax*, or parts or products thereof.

Council means the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201.

Fishing year means a 12-month period beginning August 1 and extending through July 31 of the following year.

Live bait fishery means fishing for northern anchovies for use as live bait in other fisheries.

Nonreduction fishery means fishing for northern anchovies for use as dead bait or providing fish for human consumption.

Northern anchovy means fish of the species *Engraulis mordax*, or parts or products thereof.

PAFA means the Pacific anchovy fishery area which is the EEZ seaward of California, and between 38° N. latitude (Point Reyes) and the United States-Mexico International Boundary which is a line connecting the following coordinates:

2°35′22″ N. latitude, 117°27′49″ W. longitude
2°37′37″ N. latitude, 117°49′31″ W. longitude
1°07′58″ N. latitude, 118°36′18″ W. longitude
0°32′31″ N. latitude, 121°51′58″ W. longitude

Reduction fishery means fishing for northern anchovies for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, or other fishery products or byproducts for purposes other than direct human consumption.

Reduction harvest quota means the amount of anchovies, by weight, which may be harvested during a fishing year for reduction purposes.

Regional Director means the Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 0731, or a designee.

Spawning biomass means the estimated amount, by weight, of all sexually mature northern anchovies in the central subpopulation (defined as) from 38° N. latitude (Point Reyes) south to approximately 30° N. latitude at Punta Baja, Baja California.

Special allocations means that part of the total harvest quota reserved for nonreduction fishing, reduction fishing in subarea A, and any conservation purpose.

Subarea A means the northern portion of the PAFA between 38° N. latitude (Point Reyes), and a southern limit at 35°14′ N. latitude (Point Buchon).

Subarea B means the southern portion of the PAFA between 35°14′ N. latitude (Point Buchon), and the United States-Mexico International Boundary described in this section.

Subarea B harvest quota means the amount of anchovies, by weight, which may be harvested during a fishing year for reduction purposes in Subarea B.

Total harvest quota means the total amount of anchovies, by weight, which may be harvested during a fishing year by the reduction and nonreduction fisheries.

[49 FR 9572, Mar. 14, 1984, as amended at 53 FR 24655, 24660, June 29, 1988]

§ 662.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter.

(b) Any State law which pertains to vessels registered under the laws of that State while fishing in the EEZ and which is consistent with the Federal regulations will continue to have force and effect on fishing activities addressed in this part.

(c) If a vessel has filed with the State of California a declaration of intent to take anchovies for reduction purposes, it will be conclusively presumed that amy fishing for anchovies by that vessel is for reduction purposes unless an exemption to the declaration has been filed with the State of California.

[53 FR 24658, June 29, 1988]

§ 662.4 Recordkeeping and reporting.

Data regarding fishing vessels, fishing activities, landings and processing activities required by the FMP for the reduction and nonreduction fisheries are collected by the State of California under existing data collection provisions. No additional reports will be required of fishermen or processors as long as the data collection and reporting systems operated by the State of California continue to provide the Secretary with statistical information adequate for management. Reporting requirements may be promulgated by emergency regulations if this reporting system becomes inadequate for management purposes.

§ 662.5 Vessel identification.

(a) *Official number.* Each fishing vessel in the reduction fishery must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft. The official number is the anchovy reduction registration number issued by the State of California.

(b) *Numerals.* The official number must be affixed to each vessel subject to this part in block Arabic numerals at least 14 inches in height. Markings must be legible and of a color that contrasts with the background.

[49 FR 9572, Mar. 14, 1984, as amended at 53 FR 24658, June 29, 1988]

§ 662.6 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for anchovies in the PAFA:

(1) During any applicable closed season or in any applicable closed area specified in this part;

(2) During any applicable closure specified in this part; or

(3) Aboard a fishing vessel which has not filed an applicable declaration of intent with the State of California.

(b) Take or retain anchovies for reduction purposes in the PAFA unless they are taken with authorized fishing gear as specified in § 662.24.

[49 FR 9572, Mar. 14, 1984, as amended at 53 FR 24658, June 29, 1988]

§ 662.7 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 662.8 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 662.20 Harvest quota.

(a) *Announcement of harvest quotas.* The total harvest quota, reduction harvest quota, subarea B harvest quota, and special allocations will be determined by the Regional Director from the estimated spawning biomass according to the formulas in paragraph (b) of this section. An announcement of the estimated spawning biomass and preliminary determination of harvest quotas will be made by notice in the FEDERAL REGISTER on or about July 1 each year. Opportunity for public comment will be provided in the preliminary announcement. A final announcement of harvest quotas and special allocations will be made by notice in the FEDERAL REGISTER on or about August 1 of each year.

(b) *Determination of harvest quotas.* The total harvest quota in the PAFA will be determined by adding the nonreduction fishery allocation in the PAFA and the reduction harvest quota in the PAFA which will be separately determined by the following formulas. There is no harvest quota in the PAFA for the live bait fishery.

(1) When the estimated spawning biomass is less than 300,000 mt, there will be no reduction harvest quota and the nonreduction allocation in the PAFA will be 4,900 mt.

(2) When the estimated spawning biomass is equal to or greater than 300,000 mt, the reduction harvest quota in the PAFA will be 70 percent of the estimated spawning biomass in excess of 300,000 mt or 140,000 mt, whichever is less, and the nonreduction fishery allocation in the PAFA will be 4,900 mt except as specified in § 662.21(b).

(c) *Subarea B harvest quota.* The reduction harvest quota for subarea B will be equal to the reduction harvest quota in the PAFA minus a reserve of 10 percent of the reduction harvest quota or 9,072 mt, whichever is less. This reserve is allocated to the reduction fishery in subarea A except as provided in paragraph (d) of this section.

(d) *Reallocation of subarea A reserve.* The Secretary may reallocate on June 1 from subarea A to subarea B that portion of the reserve allocated to subarea A under paragraph (c) of this section which will not be harvested in subarea A by the end of the fishing year. This amount will be estimated based on catch to date in the current year and the expected intentions of processors and fishermen in the reduction fishery north of Point Buchon to harvest anchovies in the remaining fishing year. Reallocation under this

ragraph will be based first, on a
ed to increase the subarea B harvest
ota and secondly, on the projected
duction harvest in subarea A to the
d of the fishing year.

e) *Procedure for reallocation of sub-*
ea A reserve. (1) The Secretary may,
May 1 each year, determine the
ed to increase the subarea B harvest
ota as provided in paragraph (d) of
s section if the expected reduction
hery harvest in subarea B is an
ount equal to or greater than the
oarea B harvest quota. After making
determination that the subarea B
rvest quota needs to be increased as
ovided in paragraph (d) of this sec-
n, the Secretary will make the esti-
te under paragraph (d) of this sec-
n on or about May 15 and, as soon
practicable after June 1, announce
all reduction fishing vessel owners
d operators and licensed anchovy re-
ction plant operators by notice in
e FEDERAL REGISTER and other ap-
opriate notice—

i) The change in the subarea B
ota;

ii) The reasons for the change; and

iii) A summary of, and responses to,
y comments submitted under para-
ph (e)(3) of this section.

2) The Regional Director will com-
e in aggregate form all data used to
ke the estimates under paragraph
of this section and make them
ilable for public inspection during
rmal business hours at the South-
st Regional Office, National Marine
heries Service, 300 South Ferry
eet, Terminal Island, CA 90731.

3) Comments from the public on
e estimates made under paragraph
of this section may be submitted to
e Regional Director until May 31.

f) Anchovies harvested for reduc-
n and nonreduction purposes in the
FA and adjacent territorial sea will
counted toward the total harvest
ota.

FR 9572, Mar. 14, 1984]

2.21 Closures.

a) *Closure of the reduction fishery.*
e Secretary will close the reduction
hery during the open season provid-
in § 662.22 when the total harvest
ota in the PAFA is taken. The Sec-
ary will close only the reduction
fishery in subarea B when the subarea B reduction harvest quota is taken.

(b) *Closure of the nonreduction fishery.* The Secretary will close the nonreduction fishery in the PAFA only if the total harvest quota is taken.

(c) *Procedure for closing.* (1) When the harvest quotas prescribed in § 662.20 are about to be taken, the Secretary will announce, by notice in the FEDERAL REGISTER and to the Council and the California Department of Fish and Game, the date of closure in one or both subareas.

(2) If a reduction fishery closure is announced, the reduction fishery in the affected subarea will cease on the date of closure specified in the FEDERAL REGISTER notice provided by paragraph (c)(1) of this section, and will not resume until a final determination of new harvest quotas is announced under § 662.20.

(3) The nonreduction fishery in the PAFA ceases on the date that a total harvest quota closure is announced under paragraph (c)(1) of this section, and will not resume until a new harvest quota is announced under § 662.20.

§ 662.22 Fishing seasons.

All open seasons will begin at 0001 hours and terminate at 2400 hours local time. The PAFA is closed to anchovy fishing except as follows:

(a) *Nonreduction fishing season.* The open season for nonreduction fishing in the PAFA is from August 1 to July 31.

(b) *Reduction fishing season.* (1) In subarea A, the open season for reduction fishing in the PAFA is from August 1 to June 30; and

(2) In subarea B, the open season for reduction fishing in the PAFA is from September 15 to June 30.

§ 662.23 Closed areas.

(a) *Nonreduction fishery.* There are no closed areas for nonreduction fishing in the PAFA.

(b) *Reduction fishery.* The following areas are closed to reduction fishing: (1) *Farallon Islands closure* (see Figure 1). The portion of subarea A bounded by—(i) A straight line joining Pigeon Point Light (37°10.9′ N. latitude, 122°23.6′ W. longitude) and the U.S. navigation light on Southeast Farallon Island (37°42.0′ N. latitude, 123°00.1′ W. longitude); and

(ii) A straight line joining the U.S. navigation light on Southeast Farallon Island (37°42.0′ N. latitude, 123°00.1′ W. longitude) and the U.S. navigation light on Point Reyes (37°59.7′ N. latitude, 123°01.3′ W. longitude).

(2) *Subarea B closures* That portion of subarea B described as—

(i) *Oxnard closure.* (see Figure 1). The area that extends offshore four (4) miles from the mainland shore between lines running 250° true from the steam plant stack at Manadalay Beach (34°12.4′ N. latitude, 119°15.0′ W. longitude) and 220° true from the steam plant stack at Ormond Beach (34°07.8′ N. latitude, 119°10.0′ W. longitude).

(ii) *Santa Monica Bay closure* (see Figure 1). Santa Monica Bay shoreward of that line from Malibu Point (34°01.8′ N. latitude, 188°40.8′ W. longitude) to Rocky Point (Palos Verdes Point) (33°46.5′ N. latitude, 118°25.7′ W. longitude).

(iii) *Los Angeles Harbor closure* (see Figure 1). The area outside Los Angeles Harbor described by a line extending six miles 180° true from Point Fermin (33°42.3′ N. latitude, 118°17.6′ W. longitude) and then to a point located three (3) miles offshore on a line 225° true from Huntington Beach Pier (33°39.2′ N. latitude, 118°00.3′ W. longitude).

(iv) *Oceanside to San Diego closure* (see Figure 1). The area six (6) miles from the mainland shore south of a line running 225° true from the tip of the outer breakwater (33°12.4′ N. latitude, 117°24.1′ W. longitude) of Oceanside Harbor to the United States-Mexico International Boundary.

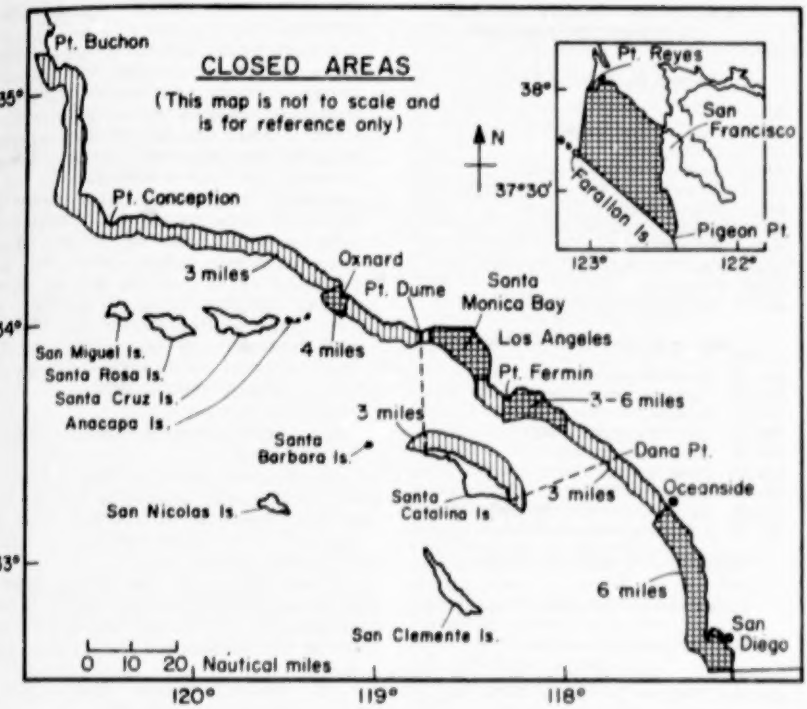

Pt. Buchon
CLOSED AREAS
(This map is not to scale and is for reference only)
N
35°
34°
33°
38°
37°30'
Pt. Reyes
San Francisco
Farallon Is
Pigeon Pt.
123°
122°
Pt. Conception
3 miles
Oxnard
Pt. Dume
Santa Monica Bay
Los Angeles
Pt. Fermin
3–6 miles
4 miles
San Miguel Is.
Santa Rosa Is.
Santa Cruz Is.
Anacapa Is.
3 miles
Santa Barbara Is.
Dana Pt.
Oceanside
3 miles
Santa Catalina Is
San Nicolas Is.
6 miles
San Clemente Is.
San Diego
0 10 20 Nautical miles
120°
119°
118°

Figure 1. Existing California area closures (hatched areas extend to 3 miles offshore; cross-hatched areas extend beyond 3 miles offshore) and optional Catalina Channel foreign vessel closure (outlined by dashed lines).

662.24 Gear limitations.

(a) *Nonreduction fishery.* There are o limitations on gear used in the non-eduction fishery.

(b) *Reduction fishery.* Authorized shing gear only may be used in the eduction fishery. Beginning on April 1986, authorized fishing gear will be ound haul nets which have a mini-um wet-stretch mesh size of $^{10}/_{16}$ of n inch excluding the bag portion of a urse seine. The bag portion must be constructed as a single unit and must not exceed a rectangular area adjacent to 20 percent of the total corkline of the purse seine. Minimum mesh size requirements are met if a stainless steel wedge can be passed with only thumb pressure through 16 of 20 sets of two meshes each of wet mesh. The wedges used to measure trawl mesh size are made of 20 gauge stainless steel, and will be no wider than $^{10}/_{16}$ of an inch less one thickness of the metal at the widest part.

PART 663—PACIFIC COAST GROUNDFISH FISHERY

Subpart A—General Provisions

Sec.

663.1 Purpose and scope.
663.2 Definitions.
663.3 Relation to other laws.
663.4 Recordkeeping and reporting.
663.5 Management subareas.
663.6 Vessel identification.
663.7 Prohibitions.
663.8 Facilitation of enforcement.
663.9 Penalties.
663.10 Experimental fisheries.

Subpart B—Management Measures

663.21 General limitations.
663.22 Inseason adjustments.
663.23 Notices.
663.24 Annual adjustments.
663.25 Gear adjustments.
663.26 Gear restrictions.
663.27 Catch restrictions.
663.28 Restrictions on other fisheries.
663.29 Scientific research.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 663.1 Purpose and scope.

(a) The regulations in this part govern fishing for groundfish by fishing vessels of the United States in the EEZ off the coasts of Washington, Oregon, and California.

(b) Regulations governing fishing for groundfish by fishing vessels other than vessels of the United States are published at 50 CFR part 611, subpart A and § 611.70.

(c) These regulations implement the Pacific Coast Groundfish Plan developed by the Pacific Fishery Management Council for groundfish fisheries off the coasts of Washington, Oregon, and California.

[47 FR 43974, Oct. 5, 1982, as amended at 53 FR 24660, June 29, 1988]

§ 663.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Acceptable biological catch (ABC) means a seasonally determined catch that may differ from maximum sustainable yield (MSY) for biological reasons.

Commercial fishing means fishing by a person in possession of a valid personal State commercial fishing license, or fishing by a person on a vessel which also has aboard a person in possession of a valid personal State commercial fishing license.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, and bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico.

Fishing gear:

(a) *Bobbin trawl* means the same as a roller trawl.

(b) *Bottom trawl* means a trawl in which the otter boards or the footrope of the net are in contact with the seabed. It includes Danish and Scottish seine gear.

(c) *Chafing gear* means webbing or other material attached to the bottom (underside) or around the codend of a trawl net to protect the codend from wear.

(d) *Codend* means the terminal, closed end of a trawl net.

(e) *Double-ply mesh* means double twine tied into a single knot.

(f) *Double-walled codend* means a codend constructed of two walls of webbing.

(g) *Gillnet* means a single-walled, rectangular net which is set upright in the water.

(h) *Hook-and-line* means one or more hooks attached to one or more lines.

(i) *Longline* means a stationary, buoyed, and anchored groundline with hooks attached.

(j) *Pelagic (midwater or off-bottom) trawl* means a trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed.

(k) *Pot* means a trap.

(l) *Roller trawl* means a trawl net with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which keep the footrope above the seabed thereby protecting the net.

(m) *Set net* means a stationary, buoyed, and anchored gillnet or trammel net.

(n) *Single-walled codend* means a codend constructed of a single wall of webbing knitted with single or double-ply mesh.

(o) *Spear* means a sharp, pointed, or barbed instrument on a shaft.

(p) *Trammel net* means a gillnet made with two or more walls joined to a common float line.

(q) *Trap* means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats.

(r) *Trawl mesh size* means the distance between the inside of one knot and the inside of the opposing knot in the trawl mesh.

(s) *Trawl net* means a cone or funnel-shaped net which is towed through the water by one or two vessels.

(t) *Trawl riblines* means heavy rope or lines that run down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

Fishing trip means a period of time between landings when fishing is conducted.

Fishing year means the year beginning at 0801 GMT (0001 local time) on January 1 and ending at 0800 GMT on January 1 (2400 local time on December 31).

Groundfish means species managed by the Pacific Coast Groundfish Plan, specifically:

COMMON NAME AND SCIENTIFIC NAMES

Sharks:
leopard shark, *Triakis semifasciata*
soupfin shark, *Galeorhinus zyopterus*
spiny dogfish, *Squalus acanthias*
Skates:
big skate, *Raja binoculata*
California skate, *R. inornata*
longnose skate, *R. rhina*
Ratfish: ratfish, *Hydrolagus colliei*
Morids: finescale codling, *Antimora microlepis*
Grenadiers: Pacific rattail, *Coryphaenoides acrolepis*
Roundfish:
cabezon, *Scorpaenichthys marmoratus*
*jack mackerel (north of 39° N. latitude), *Trachurus symmetricus*
kelp greenling, *Hexagrammos decagrammus*
lingcod, *Ophiodon elongatus*
Pacific cod, *Gadus macrocephalus*
*Pacific whiting, *Merluccius products*
*sablefish, *Anoplopoma fimbria*
Rockfish:
aurora rockfish, *Sebastes aurora*
bank rockfish, *S. rufus*
black rockfish, *S. melanops*
black and yellow rockfish, *S. chrysomelas*
blackgill rockfish, *S. melanostomus*
blue rockfish, *S. mystinus*
bocaccio, *S. paucispinis*
bronzespotted rockfish, *S. gilli*
brown rockfish, *S. auriculatus*
calico rockfish, *S. dalli*
California scorpionfish, *Scorpaena guttata*
canary rockfish, *Sebastes pinniger*
chilipepper, *S. goodei*
China rockfish, *S. nebulosus*
copper rockfish, *S. caurinus*
cowcod, *S. levis*
darkblotched rockfish, *S. crameri*
dusty rockfish, *S. ciliatus*
flag rockfish, *S. rubrivinctus*
gopher rockfish, *S. carnatus*
grass rockfish, *S. rastrelliger*
greenblotched rockfish, *S. rosenblatti*
greenspotted rockfish, *S. chlorostictus*
greenstriped rockfish, *S. elongatus*
harlequin rockfish, *S. variegatus*
honeycomb rockfish, *S. umbrosus*
kelp rockfish, *S atrovirens*
longspine thornyhead, *Sebastolobus altivelis*
Mexican rockfish *Sebastes macdonaldi*
olive rockfish, *S. serranoides*
*Pacific ocean perch, *S. alutus*
pink rockfish, *S. eos*
quillback rockfish, *S. maliger*
redbanded rockfish, *S. babcocki*
redstripe rockfish, *S. proriger*
rosethorn rockfish, *S. helvomaculatus*
rosy rockfish, *S. rosaceus*
rougheye rockfish, *S. aleutianus*
sharpchin rockfish, *S. zacentrus*
*shortbelly rockfish, *S. jordani*
shortraker rockfish, *S. borealis*
shortspine thornyhead, *Sebastolobus alascanus*
silvergray rockfish, *Sebastes brevispinis*
speckled rockfish, *S. ovalis*
splitnose rockfish, *S. diploproa*
squarespot rockfish, *S. hopkinsi*
starry rockfish, *S. constellatus*
stripetail rockfish, *S. saxicola*
tiger rockfish, *S. nigrocinctus*
treefish, *S. serriceps*
vermilion rockfish, *S. miniatus*
*widow rockfish, *S. entomelas*
yelloweye rockfish, *S. ruberrimus*
yellowmouth rockfish, *S. reedi*
yellowtail rockfish, *S. flavidus*

All genera and species of the family Scorpaenidae that occur off Washington, Oregon, and California are included, even if not listed above. The Scorpaenidae genera and *Sebastes, Scorpaena, Scorpaenodes,* and *Sebastolobus.*

Flatfish:
arrowtooth flounder [arrowtooth turbot], *Atheresthes stomias*
butter sole, *Isopsetta isolepis*
curlfin sole, *Pleuronichthys decurrens*
Dover sole, *Microstomus pacificus*
English sole, *Parophrys vetulus*
flathead sole, *Hippoglossoides elassodon*
Pacific sanddab, *Citharichthys sordidus*
petrale sole, *Eopsetta jordani*
rex sole, *Glyptocephalus zachirus*
rock sole, *Lepidopsetta bilineata*
sand sole, *Psettichthys melanostictus*
starry flounder, *Platichthys stellatus*

NOTE: Only those species marked with an asterisk (*) have a numerical OY; the others are in the "other species" complex. See § 663.21.

Incidental catch or *incidental species* means groundfish species caught while fishing for the primary purpose of catching a different species.

Land or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

Maximum sustainable yield (MSY) means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

Pacific Coast Groundfish Plan means the fishery management plan (FMP) for the Washington, Oregon, and California groundfish fishery developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce on January 4, 1982, and as it may be subsequently amended.

Recreational fishing means fishing with authorized recreational fishing gear for personal use only, and not for sale or barter.

Regional Director means the Northwest Regional Director, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115. For fisheries occurring primarily or exclusively in the fishery management area seaward of California, *Regional Director* means the Northwest Regional Director, National Marine Fisheries Service, acting upon the recommendation of the Southwest Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

Trip limit means the total allowable amount of a groundfish species or species complex by weight, or by percentage of weight of fish on board, which may be landed from a single fishing trip. All weights are in round weight (the weight of the whole fish) unless specified otherwise.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983, as amended at 49 FR 27519, July 5, 1984; 53 FR 24655, 24660, June 29, 1988; 54 FR 20603, May 12, 1989]

§ 663.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b) and (c) of this section.

(b) *Federal laws*—(1) *Pacific halibut.* Fishing for Pacific halibut is governed by the regulations promulgated by the International Pacific Halibut Commission and approved by the United States (see part 301 of this title).

(2) *Salmon.* Fishing for salmonids in the Pacific Fishery Management Council's fishery management area is governed by Federal regulations at Part 661 of this title. Fishing for pink and sockeye salmon between 48°00′ N. latitude and the Provisional International Boundary between the United States and Canada (United States Convention waters) is governed by the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System as amended by the Pink Salmon Protocol (see part 371 of this title).

(3) *Anchovy.* Fishing for northern anchovy in the Pacific Fishery Management Council's Pacific Anchovy Fishery Area (south of 38°00′ N. latitude) is governed by Federal regulations at part 662 of this title.

(c) *State laws.* This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the Pacific Coast Groundfish

Plan, including any State landing law, shall continue in effect with respect to fishing activities regulated under this part.

[47 FR 43974, Oct. 5, 1982; 48 FR 3623, Jan. 26, 1983, as amended at 53 FR 24655, June 29, 1988]

§ 663.4 Recordkeeping and reporting.

(a) This part recognizes that catch and effort data necessary for imple- nenting the Pacific Coast Groundfish Plan are collected by the States of Washington, Oregon, and California ınder existing State data collection re- quirements. Telephone surveys of do- nestic industry (see § 611.70(d) and § 663.24) will be conducted biannually by the NMFS to determine amounts of fish which will be made available to foreign fishing and joint venture proc- essing. No additional Federal reports are required of fishermen or proces- ors as long as the data collection and eporting systems operated by State gencies continue to provide the Sec- etary with statistical information dequate for management.

(b) Any person who is required to do o by the applicable State law must nake and/or file any and all reports f groundfish landings containing all ata, and in the exact manner, re- uired by the applicable State law.

47 FR 43974, Oct. 5, 1982, as amended at 53 R 24656, 24658, June 29, 1988; 53 FR 47957, ov. 29, 1988]

663.5 Management subareas.

(a) The fishery management area is ivided into five subareas for the regu- ation of groundfish fishing, with the ollowing designations and boundaries:

(1) *Vancouver.* (i) Northeastern oundary—that part of a line connect- ng the light on Tatoosh Island, Wash- ngton, with the light on Bonilla Point n Vancouver Island, British Colombia t 48°35′75″ N. latitude, 124°43′00″ W. ongitude) south of the International oundary between the United States nd Canada (at 48°29′37.19″ N. lati- ude, 124°43′33.19″ W. longitude), and orth of the point where that line tersects with the boundary of the .S. territorial sea.

(ii) Northern and northwestern oundary is a line connecting the fol- owing coordinates in the order listed, which is the provisional international boundary of the U.S. FCZ as shown on NOAA/NOS Charts #18480 and #18007:

Point	N. latitude	W. longitude
1	48°29′37.19″	124°43′33.19″
2	48°30′11″	124°47′13″
3	48°30′22″	124°50′21″
4	48°30′14″	124°54′52″
5	48°29′57″	124°59′14″
6	48°29′44″	125°00′06″
7	48°28′09″	125°05′47″
8	48°27′10″	125°08′25″
9	48°26′47″	125°09′12″
10	48°20′16″	125°22′48″
11	48°18′22″	125°29′58″
12	48°11′05″	125°53′48″
13	47°49′15″	126°40′57″
14	47°36′47″	127°11′58″
15	47°22′00″	127°41′23″
16	46°42′05″	128°51′56″
17	46°31′47″	129°07′39″

(iii) Southern limit: 47°30′ N. latitude.

(2) *Columbia.* (i) Northern limit: 47°30′ N. latitude; (ii) Southern limit: 43°00′ N. latitude.

(3) *Eureka.* (i) Northern limit: 43°00′ N. latitude; (ii) Southern limit: 40°30′ N. latitude.

(4) *Monterey.* (i) Northern limit: 40°30′ N. latitude; (ii) Southern limit: 36°00′ N. latitude.

(5) *Conception.* (i) Northern limit: 36°00′ N. latitude; (ii) Southern limit: The United States-Mexico International Boundary, which is a line connecting the following coordinates in the order listed:

Point	N. latitude	W. longitude
1	32°35′22″	117°27′49″
2	32°37′37″	117°49′31″
3	31°07′58″	118°36′18″
4	30°32′31″	121°51′58″

(b) Any person fishing subject to this part is bound by the above-described international boundaries, nothwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are established or recognized by the United States.

(c) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the "3-mile limit").

(d) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983]

§ 663.6 Vessel identification.

(a) *Display.* The operator of a vessel which is over 25 feet in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block arabic numerals at least 18 inches high for vessels over 65 feet long and at least 10 inches high for vessels between 25 and 65 feet in length. The length of a vessel for purposes of this section is the length set forth in U.S. Coast Guard records or in State records if no U.S. Coast Guard record exists.

(b) *Maintenance of numbers.* The operator of a vessel engaged in commercial fishing for groundfish shall keep the identifying markings required by paragraph (a) of this section clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(c) *Commercial passenger vessels.* This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

[49 FR 27520, July 5, 1984]

§ 663.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to:

(a) Sell, offer to sell, or purchase any groundfish taken in the course of recreational groundfish fishing.

(b) Retain any species of salmonid or Pacific halibut caught by means of fishing gear authorized under this part unless authorized by 50 CFR Parts 301, 371 or 661.

(c) Falsify or fail to affix and maintain vessel and gear markings as required by § 663.6.

(d) Fish for groundfish in violation of any terms or conditions attached to an EFP under § 663.10.

(e) Fish for groundfish using gear not authorized under § 663.26, or under an EFP issued under § 663.10.

(f) Take and retain, or land more groundfish than specified under § 663.27, § 663.28, or under an EFP issued under § 663.10.

(g) Violate any other provision of this part, the Magnuson Act, any notice issued under Subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

(h) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, possession, landing, purchase, sale, or transfer of any fish.

(i) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act.

(j) Refuse to submit fishing gear or fish subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection;

(k) Falsify or fail to make and/or file, any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable State law, as specified in § 663.4, provided that person is required to do so by the applicable State law.

(l) Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, if the weight of the total delivery exceeds 3,000 pounds (round weight or round weight equivalent).

(m) Possess, deploy, haul, or carry onboard a fishing vessel subject to these regulations (50 CFR part 663) a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear retrictions at § 663.26, unless such gear s the gear of another vessel that has een retrieved at sea and made inoperable or stowed in a manner not capale of being fished. The disposal at sea f such gear is prohibited by Annex V f the International Convention for he Prevention of Pollution From hips, 1973 (Annex V of MARPOL 73/ 8).

7 FR 43974, Oct. 5, 1982, as amended at 53 R 22002, June 13, 1988; 53 FR 24658, June , 1988; 54 FR 18904, May 3, 1989; 55 FR , Jan. 2, 1990]

663.8 Facilitation of enforcement.

See § 620.8 of this chapter.

3 FR 24656, June 29, 1988]

663.9 Penalties.

See § 620.9 of this chapter.

3 FR 24656, June 29, 1988]

63.10 Experimental fisheries.

(a) *General.* The Secretary may auorize, for limited experimental purses, the direct or incidental harvest groundfish managed by the pacific ast Groundfish Plan which would herwise be prohibited by this part. o experimental fishing may be concted unless authorized by an experiental fishing permit (EFP) issued by e Secretary in accordance with the iteria and procedures specified in is section. EFPs will be issued witht charge.

(b) *Application.* An applicant for an P shall submit to the Regional Dictor at least 60 days before the deed effective date of the EFP a writn application including, but not limd to, the following information:

1) The date of the application;

2) The applicant's name, mailing dress, and telephone number;

3) A statement of the purposes and als of the experiment for which an P is needed, including a general deiption of the arrangements for dissition of all species harvested under e EFP;

4) A statement of whether the prosed experimental fishing has broad significance than the applicant's inidual goals;

5) For each vessel to be covered by e EFP:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage; and

(vii) Gross tonnage.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(Approval by Office of Management and Budget not required, under 44 U.S.C. 3506(c)(5)).

(c) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the FEDERAL REGISTER with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agencies of Oregon, Washington, California, and Idaho, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Pacific Fishery Management Council and the Directors of the State fishery management agencies concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary shall notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the Pacific Coast Groundfish Plan; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is final and unappealable. If the permit is granted, the Secretary will publish a notice in the Federal Register describing the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The time(s) and place(s) where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the Pacific Coast Groundfish Plan.

(d) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than one year unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(e) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(f) *Transfer.* EFPs issued under this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(g) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(h) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, a notice issued under Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, shall be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by

15 CFR part 904, subpart D, or 50 CFR part 621.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983]

Subpart B—Management Measures

§ 663.21 General limitations.

(a) *Optimum yield.* (1) Numerical optimum yields (OYs) for Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and jack mackerel (north of 39°00′ N. latitude) in the regulatory subareas are published in the FEDERAL REGISTER. OYs for those six species are the maximum amount which may be retained or landed shoreside each year in the fishery management area or relevant subarea and include fish caught in the territorial sea (0-3 nautical miles). The "other species" complex has no numerical OY and is regulated by the gear, area, and catch restrictions set forth in this subpart B.

(2) Pacific ocean perch are categorized as "other species" in the Eureka, Monterey, and Conception subareas. This species is not common or imporant in these subareas.. Accordingly, he OY for Pacific ocean perch applies only to the Vancouver and Columbia ubareas.

(b) *Notice of closure.* If the Secreary determines that the numerical OY for any species in the fishery mangement area or in any regulatory subrea will be reached during the fishing ear, the Secretary will publish a otice of closure under the provisions f § 663.23, prohibiting retention or anding of that species caught in the ishery management area or in the aplicable regulatory subarea.

17 FR 43974, Oct. 5, 1982, as amended at 49 R 27520, July 5, 1984; 52 FR 4911, Feb. 18, 987]

663.22 Inseason adjustments.

(a) *Reduction of fishing levels.* (1) xcept as otherwise provided by secon 305(e) of the Magnuson Act, after ceiving a recommendation and writn report by the Pacific Fishery Mangement Council, the Secretary may ublish one or more notices under 663.23 to reduce fishing levels if it is etermined that continued fishing at current levels would cause biological stress to any species or species complex. Biological stress may exist when:

(i) Exploitable biomass or spawning biomass is below a level expected to produce MSY for a species or species complex;

(ii) Recruitment is substantially below replacement level;

(iii) Fishing mortality rate exceeds that required to take ABC for the calendar year;

(iv) Catch for the calendar year is projected to exceed the best current estimate of ABC; or

(v) Any other abnormality in the biological characteristics of the species or species complex is discovered, such as changes in age composition, size composition, or age at maturity.

(2) A public hearing will be held before any determination that continued fishing at current levels would result in biological stress to any species or species complex, and before publishing any notice reducing fishing levels on any species or species complex.

(3) In issuing any notice reducing fishing levels under this paragraph, the Secretary may adjust the management measures in this part. Adjustments to management measures may include: Size, trip, and bag limits; termination of directed and/or incidental harvest by foreign or domestic fishermen, or both, of a species or species complex; area and subarea closures; time closures; gear limitations; and quotas. To the extent practicable, adjustments to management measures will be consistent with the objectives and priorities of the Pacific Coast Groundfish Plan.

(b) *Increase in numerical OYs.* (1) After receiving a recommendation and written report from the Pacific Fishery Management Council, the Secretary may publish one or more notices under § 663.23 to increase the numerical OY for any species during the fishing year, if it is determined that such increase would not cause biological stress to that or any other species and would promote full utilization of the groundfish resource. The Secretary will consider the following in making the determination:

(i) Exploitable biomass and spawning biomass relative to MSY levels for the species under consideration;

(ii) Fishing mortality rate relative to MSY levels for the species under consideration;

(iii) Magnitude of incoming recruitment;

(iv) Projected effort and corresponding catches relative to ABC;

(v) In the case of species normally taken in mixed catches, the relative contribution of the species to the total catch;

(vi) The impact, if any, of the proposed increase in OY on other species.

(2) A public hearing will be held before any determination is made which forms the basis for an increase to a numerical OY and before the Secretary publishes any notice to implement such increase.

(3) The sum of any increases to a numerical OY during a single fishing year may not exceed 30 percent of the OY for that species at the beginning of the fishing year.

(c) *Modifications to catch restriction for Pacific ocean perch.* (1) Catch restrictions applicable to Pacific ocean perch are specified at § 663.27(b)(2). After receiving a recommendation and written report from the Pacific Fishery Management Council, the Secretary may publish one or more notices under § 663.23 to modify these catch restrictions if it is determined that such modification is necessary to achieve the OY based on the 20-year rebuilding schedule.

(2) A public hearing will be held before any determination is made that modification of catch restrictions applicable to Pacific ocean perch is necessary to achieve OY, and before the Secretary publishes any notice to implement such modification.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983, as amended at 49 FR 27520, July 5, 1984]

§ 663.23 Notices.

(a) The Secretary shall publish the notices described in § 663.21, § 663.22 § 663.25 or § 663.27 in proposed form in the FEDERAL REGISTER for public comment, unless the Secretary finds for good cause that such notice and public review are impracticable, unnecessary, or contrary to the public interest. During the public comment period, the aggregate data upon which the proposed notice is based will be available for public inspection at the Regional Office during business hours.

(b) If the Secretary determines, for good cause, that a notice described in §§ 663.21, 663.22, 663.25, or § 663.27(b)(3) must be issued without affording a prior opportunity for public comment, public comments on the notice shall be received by the Secretary for a period of 15 days after the effective date of the notice. During any such 15-day period, the aggregate data upon which the notice was based will be available for public inspection in the office of the Regional Director during business hours.

(c) Any notice issued under this section will not be effective until 30 days after publication in the FEDERAL REGISTER unless the Secretary finds and publishes with the notice good cause for an earlier effective date.

(d) Notices issued under this section will remain in effect until the expiration date stated in the published notice or until rescinded, modified, or superseded.

(e) Nothing contained in this section limits the authority of the Secretary to issue emergency regulations under section 305(e) of the Magnuson Act.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983, as amended at 52 FR 4911, Feb. 18, 1987]

§ 663.24 Annual adjustments.

(a) Each year, the Secretary will publish a notice in the FEDERAL REGISTER specifying optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and total allowable level of foreign fishing (TALFF) for Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and jack mackerel (north of 39°00′ N. latitude). The Secretary may publish season and area restrictions, incidental catch and receipt allowance restrictions, and any other restrictions, for any TALFF or JVP amount that may be specified for species other than Pacific whiting. The Secretary also will publish the nnual ABCs for groundfish in the FEDERAL REGISTER. Annual specifications of numerical OYs and ABCs by the Secretary will not exceed by more than 30 percent the OYs and ABCs specified at the beginning of the previous fishing year.

(b) *Procedures*—(1) *Preliminary specifications.* On November 1, or as soon as practicable thereafter, the Secretary will make and publish in the FEDERAL REGISTER preliminary specifications for the next calendar year as described in paragraph (a) of this secion. The Secretary will consult with he Pacific Fishery Management Council and consider the following actors in making the preliminary pecifications:

(i) Results of a survey of domestic processors and joint venture operations to estimate processing capacity and planned utilization;

(ii) Results of a survery of fishermen's trade associations to estimate ishing capacity and planned utilizaion; and

(iii) Relevant scientific information.

(2) *Final specifications.* On Decemer 1, or as soon as practicable therefter, the Secretary will make final pecifications for the next calendar ear as described in paragraph (a) of his section. The Secretary will conult with the Pacific Fishery Management Council and take into considertion all information received under aragraph (b)(4) of this section, all actors considered in making the preminary determinations under pararaph (b)(1) of this section, and additional relevant information. The final pecifications will be published as a otice in the FEDERAL REGISTER on or bout December 1 with the reason for he specifications.

(3) *Availability of data.* All data relvant to the preliminary and final pecifications under paragraphs (b)(1) nd (b)(2) of this section will be comiled in aggregate form and will be vailable for public review at the ffice of the Regional Director during he public comment period.

(4) *Public comment.* Comments from he public that are relevant to the preminary and final specifications in aragraphs (b)(1) and (b)(2) of this ction may be submitted to the Secretary until December 1 or as specified in the FEDERAL REGISTER.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983, as amended at 49 FR 27520, July 5, 1984]

§ 663.25 Gear adjustments.

(a) *Changes to gear restrictions.* Except as otherwise provided by section 305(e) of the Magnuson Act, after receiving a recommendation and written report by the Pacific Fishery Management Council, the Secretary may publish one or more notices under § 663.23 at any time during the year to change domestic or foreign gear restrictions if it is determined that the change is consistent with the objectives of the FMP and would result in significant improvements in the groundfish fishery. Significant improvements may exist when:

(1) Sustainable landings are increased;

(2) The value of landings are increased;

(3) Gear conflicts are reduced;

(4) Fishing efficiency is increased; and

(5) Another condition exists which promotes achievement of the objectives of the FMP, which may be based on consideration of changes in catch composition, yield per recruit, cost to the fishing industry, impacts on other management measures and other fisheries, and any other relevent biological or socio-economic information.

(b) Changes to gear restrictions may include, but are not limited to, definitions of legal gear, mesh size specifications, codend specifications, marking requirements, and other gear specifications included in this part, 50 CFR 611.70, and the FMP.

(c) A public hearing will be held before any determination that a change to the gear restrictions is consistent with the objectives of the FMP and would result in significant improvements in the groundfish fishery, and before publishing any notice changing gear restrictions. Implementation of changes to the gear restrictions will be scheduled so as to minimize the costs to the fishing industry, insofar as this is consistent with achieving the goals of the change.

[52 FR 4911, Feb. 18, 1987]

§ 663.26 Gear restrictions.

(a) *General.* The following types of fishing gear are authorized, with the restrictions set forth in this section: Bottom trawl, hook-and-line, longline, pelagic trawl, pot or trap, roller or bobbin trawl, set net, spear, trammel net, and trawl net.

(b) *Trawl gear*—(1) *Use.* Trawl nets may be used on and off the seabed. Trawl nets may be fished with or without otter boards, and may use warps or cables to herd fish.

(2) *Mesh size.* Trawl nets may be used if they meet the minimum sizes set forth below. The minimum sizes apply to the last fifty meshes running the length of the net to the terminal (closed) end of the codend. Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge, 3.0 or 4.5 inches (depending on the gear being measured) less one thickness of the metal at the widest part, can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh in the codend.

MINIMUM TRAWL MESH SIZE (IN INCHES)

Trawl type	Subareas				
	Vancouver	Columbia	Eureka	Monterey	Conception
Bottom	4.5	4.5	4.5	4.5	4.5
Roller or bobbin	3.0	3.0	3.0	4.5	4.5
Pelagic	3.0	3.0	3.0	3.0	3.0

(3) *Chafing gear.* (i) Chafing gear must not be connected directly to the terminal (closed) end of the codend.

(ii) In all bottom trawls, chafing gear must have a minumum mesh size of 15 inches, unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(iii) In roller and bobbin trawls in the Vancouver, Columbia, and Eureka subareas, and all pelagic trawls, chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6 inches.

(4) *Double-walled codends.* (i) Double-walled codends must not be used in any pelagic trawl, or in any other trawl with mesh size less than 4.5 inches.

(ii) The double-walled layers of the codend must be the same mesh size and coincide knot-to-knot, and must not be longer than 25 trawl meshes or 12 feet, whichever is greater.

(5) *Bottom trawls.* A net used in a bottom trawl must have at least two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend, if the fishing vessel is simultaneously carrying aboard a net of less than 4.5 inch mesh size.

(6) *Pelagic trawls.* Pelagic trawl nets must have unprotected footropes at the trawl mouth (without rollers or bobbins). Sweeplines, including the bottom leg of the bridle, must be bare.

(7) *Roller trawl or bobbin trawl.* In the Eureka, Columbia, and Vancouver subareas, if trawl mesh size less than 4.5 inches is used—

(A) Rollers or bobbins must be at least 14 inches in diameter and free to rotate, with at least two rollers or bobbins equally spaced on each side of the footrope within 10 feet of the center of the footrope of the net; and

(B) Continuous chain, rope, or cable (commonly known as a "tickler chain") which contacts the sea floor ahead of the rollers may not be used with a roller or bobbin trawl.

(c) *Set nets.* (1) Fishing for groundfish with set nets is prohibited in the fishery management area north of 38°00′ N. latitude.

(2) Set nets must be marked at the surface at each terminal end with a pole and flag, light, radar reflector, and a buoy displaying clear identification of the owner.

(d) *Traps or pots.* (1) Traps must be attended at least once every seven days.

(2) Traps must have biodegradable escape panels constructed with #21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches in diameter results when the twine deteriorates.

(3) Traps set individually must be marked at the surface with a pole and flag, light, radar reflector, and a buoy displaying clear identification of the owner.

(4) Traps laid on a groundline must be marked at the surface at each terminal end with a pole and flag, light,

ar reflector, and a buoy displaying
ar identification of the owner.

) *Spears.* Spears may be propelled
hand or by mechanical means.

) *Longlines.* (1) Longlines must be
nded at least once every 7 days.

) Longlines must be marked at the
face at each terminal end with a
e and flag, light, radar reflector,
a buoy displaying clear identifica-
n of the owner.

) *Commercial vertical hook-and-*
(Portuguese longline). Commercial
ical hook-and-line gear (Portu-
se longline) must be marked at the
face with a pole and flag, light,
ar reflector, and a buoy displaying
r identification of the owner.

) *Recreational fishing.* The only
es of fishing gear authorized for
eational fishing are hook-and-line
spear.

FR 43974, Oct. 5, 1982; 48 FR 13048,
29, 1983, as amended at 49 FR 11640,
27, 1984; 49 FR 27520, July 5, 1984; 50
26213, June 25, 1985; 52 FR 4911, Feb.
987]

.27 Catch restrictions.

roundfish species harvested in the
itorial sea (0-3 nautical miles) will
counted toward the catch limita-
s in this section.

) *Recreational fishing.* The limits
each person engaged in recreation-
ishing are three lingcod per day
15 rockfish per day. Multi-day
ts are authorized by a valid permit
ed by the State of California and
t not exceed the daily limit multi-
d by the number of days in the
ing trip.

) *Commercial fishing*—(1) *Rock-*
. The trip limit for a vessel en-
ed in fishing with a pelagic trawl
mesh size less than 4.5 inches in
Conception or Monterey subareas
00 pounds or 5 percent by weight
all fish on board, whichever is
ter, of the species group composed
ocaccio, chilipepper, splitnose, and
owtail rockfishes per fishing trip.

) *Pacific ocean perch.* The trip
t for Pacific ocean perch is 5,000
nds or 10 percent by weight of all
on board, whichever is greater,
vessel per fishing trip, except as
ified under § 663.22(c).

(3) *Sablefish.* When it is determined that 90 percent of the OY will be reached, the Secretary will publish a notice in accordance with § 663.23 dividing the 10 percent balance of OY equally (5 percent apiece) between trawl gear and fixed gear, and establishing a percentage trip limit for trawl gear. The trip limit will be based on the most recent data available for the season and will equal the average percentage of sablefish in all trawl landings containing sablefish from the fishery management area, but in no event will the trip limit exceed 30 percent by weight of all fish on board. If the Secretary determines that either trawl or fixed gear will take its 5 percent balance of OY, the Secretary will publish a notice of closure under § 663.23 prohibiting retention and landing of sablefish taken by that gear type in the fishery management area. The provisions at § 663.21(b) prohibiting landings when OY is reached will apply even if fixed or trawl gear has not landed its 5 percent balance of OY.

[47 FR 43974, Oct. 5, 1982; 48 FR 13048, Mar. 29, 1983, as amended at 49 FR 27520, July 5, 1984; 52 FR 4911, Feb. 18, 1987]

§ 663.28 Restrictions on other fisheries.

(a) *Pink shrimp.* The trip limit for a vessel engaged in fishing for pink shrimp is 1,500 pounds (multiplied by the number of days of the fishing trip) of groundfish species other than Pacific whiting, shortbelly rockfish, or arrowtooth flounder.

(b) *Spot and ridgeback prawns.* The trip limit for a vessel engaged in fishing for spot or ridgeback prawns is 1,000 pounds of groundfish species per fishing trip.

[47 FR 43974, Oct. 5, 1982]

§ 663.29 Scientific research.

Nothing is this part is intended to inhibit or prevent any scientific research which is conducted in the fishery management area by a scientific research vessel. The Secretary will acknowledge notification of scientific research involving groundfish and conducted by a scientific research vessel by issuing to the operator or master of that vessel a letter of acknowledgement, containing information on the purpose and scope (locations and schedules) of the activities. The Secretary will transmit copies of such letters to the Pacific Fishery Management Council, and to State and Federal administrative and enforcement agencies, to ensure that all concerned parties are aware of the research activities.

[47 FR 43974, Oct. 5, 1982]

PART 669—SHALLOW-WATER REEF FISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Subpart A—General Provisions

Sec.
669.1 Purpose and scope.
669.2 Definitions.
669.3 Relation to other laws.
669.4 Permits.
669.5 Recordkeeping and reporting. [Reserved]
669.6 Vessel and gear identification.
669.7 Prohibitions.
669.8 Facilitation of enforcement.
669.9 Penalties.

Subpart B—Management Measures

669.20 Fishing year.
669.21 Closed seasons.
669.22 Harvest limitations.
669.23 Size limitations.
669.24 Gear limitations.
669.25 Specifically authorized activities.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 669.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Shallow-water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands prepared by the Caribbean Fishery Management Council under the Magnuson Act.

(b) This part regulates fishing for shallow-water reef fish within the Atlantic Ocean and Caribbean Sea portions of the EEZ adjacent to the State waters of Puerto Rico and the U.S. Virgin Islands.

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24658, June 29, 1988]

§ 669.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Fish in the shallow-water reef fish fishery means any of the following species:

Squirrelfishes—Holocentridae

Squirrelfish, *Holocentrus ascensionis*
Longspine squirrelfish, *Holocentrus rufus*

Groupers—Serranidae

Rock hind, *Epinephelus adscensionis*
Graysby, *Epinephelus cruentatus*
Coney, *Epinephelus fulvus*
Red hind, *Epinephelus guttatus*
Jewfish, *Epinephelus itajara*
Nassau grouper, *Epinephelus striatus*
Yellowfin grouper, *Mycteroperca venenosa*

Jacks—Carangidae

Yellow Jack, *Caranx bartholomaei*
Blue runner, *Caranx crysos*
Horse-eye jack, *Caranx latus*
Black jack, *Caranx lugubris*
Bar jack, *Caranx ruber*

Snappers—Lutjanidae

Mutton snapper, *Lutjanus analis*
Schoolmaster, *Lutjanus apodus*
Mangrove snapper, *Lutjanus griseus*
Dog snapper, *Lutjanus jocu*
Mahogany snapper, *Lutjanus mahogani*
Lane snapper, *Lutjanus synagris*
Yellowtail snapper, *Ocyurus chrysurus*

Grunts—Haemulidae

Margate, *Haemulon album*
Tomtate, *Haemulon aurolineatum*
French grunt, *Haemulon flavolineatum*
White grunt, *Haemulon plumieri*
Bluestriped grunt, *Haemulon sciurus*

Porgies—Sparidae

Sea bream, *Archosargus rhomboidalis*
Jolthead porgy, *Calamus bajonado*
Sheepshead porgy, *Calamus penna*
Pluma, *Calamus pennatula*

Goatfishes—Mullidae

Yellow goatfish, *Mulloidichthys martinicus*
Spotted goatfish, *Pseudupeneus maculatus*

Butterflyfishes—Chaetodontidae

Foureye butterflyfish, *Chaetodon capistratus*
Spotfin butterflyfish, *Chaetodon ocellatus*
Banded butterflyfish, *Chaetodon striatus*

Angelfishes—Pomacanthidae

Queen angelfish, *Holacanthus ciliaris*
Rock beauty, *Holacanthus tricolor*
Gray angelfish, *Pomacanthus arcuatus*
French angelfish, *Pomacanthus paru*

Wrasses—Labridae

Spanish hogfish, *Bodianus rufus*
Puddingwife, *Halichoeres radiatus*
Pearly razorfish, *Hemipteronotus novacula*
Hogfish, *Lachnolaimus maximus*

Parrotfishes—Scaridae

Midnight parrotfish, *Scarus coelestinus*
Blue parrotfish, *Scarus coeruleus*
Striped parrotfish, *Scarus croicensis*
Rainbow parrotfish, *Scarus guacamaia*
Princess parrotfish, *Scarus taeniopterus*
Queen parrotfish, *Scarus vetula*
Redband parrotfish, *Sparisoma aurofrenatum*
Redtail parrotfish, *Sparisoma chrysopterum*
Stoplight parrotfish, *Sparisoma viride*

Surgeonfishes—Acanthruidae

Ocean surgeonfish, *Acanthurus bahianus*
Doctorfish, *Acanthurus chirurgus*
Blue tang, *Acanthurus coeruleus*

Leatherjackets—Balistidae

Queen triggerfish, *Balistes vetula*
Ocean triggerfish, *Canthidermis sufflamen*
Black durgon, *Melichthys niger*
argassum triggerfish, *Xanthichthys ringens*

Boxfishes—Ostraciidae

potted truckfish, *Lactophrys bicaudalis*
Honeycomb cowfish, *Lactophrys polygonia*
crawled cowfish, *Lactophrys quadricornis*
Trunkfish, *Lactophrys trigonus*
mooth trunkfish, *Lactophrys triqueter*

Fish trap or trap means any trap nd the component parts (including he lines and buoys) thereof used for aking finfish, regardless of the construction material.

Regional Director means the Re- ional Director, or a designee, South- ast Region, National Marine Fisher- s Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 3702; telephone 813-893-3141.

Total length means the greatest pos- ible length of a fish with the mouth f the fish closed and the caudal fin ail) squeezed together to give the reatest over-all measurement (figure).

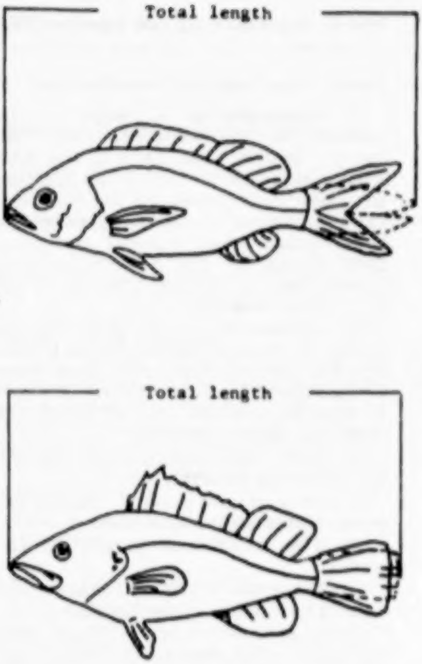


Figure 1. Measurement of total length for fishes with a forked tail, yellowtail snapper (top) and with a rounded tail, Nassau grouper (bottom).

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24655, June 29, 1988]

§ 669.3 Relation to other laws.

The relation of this part to other laws is set forth in § 620.3 of this chapter.

[53 FR 24655, June 29, 1988]

§ 669.4 Permits.

No permits are required for fishing vessels engaged in the shallow-water reef fish fishery within the EEZ (see vessel and gear identification requirements in § 669.6).

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24660, June 29, 1988]

§ 669.5 Recordkeeping and reporting. [Reserved]

§ 669.6 Vessel and gear identification.

(a) *Applicability.* A vessel in the commercial shallow-water reef fish fishery fishing with traps in the EEZ must obtain an identification number and color code issued by the Regional Director unless the vessel possesses a valid identification number and color code issued by the Government of Puerto Rico or the Government of the U.S. Virgin Islands.

(b) *Application to the Regional Director.* (1) An application for an identification number and color code must be submitted to the Regional Director 45 days prior to the date on which the applicant desires receipt.

(2) Each application must contain the following information:

(i) The applicant's name, mailing address, and telephone number;

(ii) The name and length of the vessel;

(iii) The vessel's official number; and

(iv) The vessel's radio call sign.

(c) *Vessel identification.* Each fishing vessel must display the identification number and color code issued to the vessel by the Regional Director or State on the port and starboard sides of the deckhouse or hull. In addition, each vessel over 25 feet long must display its identification number and color code on an appropriate weather deck. All identification numbers and color codes must be displayed permanently and conspicuously so as to be readily identifiable from the air and water. The number must contrast with the background and be in block Arabic numerals at least 18 inches high for vessels over 65 feet long, as least 10 inches high for vessels over 25 feet long, and at least 3 inches high for vessels 25 feet long or less. The color code representation must be in the form of a circle not less than 18 inches in diameter or a strip not less than 18 inches high and 18 inches long for vessels over 65 feet long; a circle not less than 10 inches in diameter or a strip not less than 10 inches high and 18 inches long for vessels over 25 feet long; and a circle not less than 3 inches in diameter or a strip not less than 3 inches high and 10 inches long for vessels 25 feet long or less.

(d) *Duties of operator.* The operator of each fishing vessel subject to this part must:

(1) Keep the identification number and color code clearly legible and in good repair.

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or anything else aboard obstructs the view of the identification number and color code from an enforcement vessel or aircraft.

(e) *Gear identification.* (1) All traps and buoys used in the shallow-water reef fish fishery must be marked and identified as follows:

(i) Buoys affixed to traps must bear the number and color code specified for the vessel. The identification number must be legible and at least 3 inches high on each buoy.

(ii) Traps must bear the number specified for the vessel. The number must be legible and at least 3 inches high, or as high as the widest available space if such space is less than 3 inches wide. As an alternative, the number may be stamped on a plate of non-corrosive metal or plastic and securely affixed to the trap.

(2) Traps and buoys for shallow-water reef fish fished in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to shallow-water reef fish traps which are lost or sold if the owner of such traps reports in writing the loss or sale within 15 days to the Regional Director. The report must specify the number of traps lost or sold, the color code and the identification number.

(3) Unmarked shallow-water reef fish traps deployed in the EEZ at any time are illegal gear and may be disposed of in any appropriate manner by the Secretary or an authorized officer. Lines and buoys are considered part of the trap. If owners of the unmarked traps can be ascertained, those owners remain subject to appropriate civil penalties.

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24660, June 29, 1988]

§ 669.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chap- er, it is unlawful for any person to do any of the following:

(a) Fish with traps for shallow-water eef fish in the EEZ without an identi- ication number and color code as re- uired by § 669.6.

(b) Falsify or fail to affix and main- ain gear and vessel markings as re- uired by § 669.6.

(c) Possess in, or harvest from the EZ Nassau grouper during the closed ishing season specified in § 669.21.

(d) Tend, open, pull, or otherwise nolest or have in one's possession board a fishing vessel another person's fish traps except as provided in 669.22.

(e) Possess in, or harvest from the EZ yellowtail snapper less than the inimum size limit specified in 669.23(a).

(f) Possess in, or harvest from the EZ Nassau grouper less than the inimum size limit specified in 669.23(b).

(g) Possess in the EEZ or land any allow-water reef fish harvested in e EEZ without head and fins intact specified in § 669.23(d).

(h) Possess or use fish traps in the EZ with a mesh size smaller than the e limit specified under 669.24(a)(1).

(i) Possess, or use fish traps in the EZ without a degradable panel or de- adable door fastening as specified in 669.24(a) (2) and (3).

j) Fish for shallow-water reef fish the EEZ with explosives, including werheads, as specified in 669.24(b)(1).

k) Fish for shallow-water reef fish the EEZ with drugs, poisons or her chemicals as specified in 669.24(b)(2).

l) Interfere with, delay, obstruct or event by any means a lawful investi- tion or search in the process of en- cing this part.

FR 34851, Aug. 28, 1985, as amended at FR 24658, June 29, 1988]

69.8 Facilitation of enforcement.

ee § 620.8 of this chapter.

FR 24656, June 29, 1988]

§ 669.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

SOURCE: 50 FR 34851, Aug. 28, 1985, unless otherwise noted.

§ 669.20 Fishing year.

The fishing year for the shallow-water reef fish fishery begins on January 1 and ends on December 31.

§ 669.21 Closed seasons.

The fishing season for Nassau grouper in the EEZ is closed from 0001 hours January 1 through 2400 hours March 31. Nassau grouper taken during this period must be returned to the sea immediately with a minimum amount of harm.

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24660, June 29, 1988]

§ 669.22 Harvest limitations.

Fish traps may be tended or pulled only by persons (other than authorized officers) aboard the fish trap owner's vessel(s), or aboard another vessel if such vessel has onboard written consent of the fish trap owner, or if the fish trap owner is aboard and has documentation verifying the identification number and color code. Owner's letter of consent must specify effective time period, and trap owner's vessel identification number and color code.

§ 669.23 Size limitations.

(a) The minimum size limit for the harvest or possession of yellowtail snapper in the EEZ is 8 inches total length. Effective September 22, 1986, the minimum size of yellowtail snapper will be increased to 9 inches. On each September 22 the minimum size will be increased one inch until reaching a minimum size of 12 inches total length on September 22, 1989.

(b) The minimum size limit for the harvest or possession of Nassau grouper in the EEZ is 12 inches total length. Effective September 22, 1986, the minimum size of Nassau grouper will be increased to 13 inches. On each September 22 the minimum size will be increased one inch until reaching a minimum size of 24 inches total length on September 22, 1997.

(c) Undersized yellowtail snapper and Nassau grouper must be returned to the water immediately and with minimum harm.

(d) All shallow-water reef fish harvested in the EEZ and subject to minimum size limits specified in this section must be landed with the head, fins, and tail intact.

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24660, June 29, 1988]

§ 669.24 Gear limitations.

(a)(1) Effective September 22, 1986, fish traps must have a minimum mesh size of 1¼ inches in the smallest dimension of the mesh opening.

(2) Fish traps must have on the sides or top, a degradable panel or degradable door fastening made of any material listed in paragraph (a)(3) of this section. The panel and door opening must not be smaller than either of the entry ports or funnel opening of the trap.

(3) Degradable material must be untreated fiber of biological origin, not more than three millimeters (approximately ⅛") maximum diameter, including but not limited to tyre palm, hemp, jute, cotton, wool, or silk, or non-galvanized black iron wire not more than 1.59 millimeters (approximately one-sixteenth inch) in diameter; that is, 16 gauge wire.

(b)(1) Explosives, including powerheads, may not be used to fish for shallow-water reef fish in the EEZ.

(2) Poisons, drugs, and other chemicals may not be used to fish for shallow-water reef fish in the EEZ.

[50 FR 34851, Aug. 28, 1985, as amended at 53 FR 24660, June 29, 1988]

§ 669.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities which are otherwise prohibited by these regulations.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

Subpart A—General

Sec.

672.1 Purpose and scope.
672.2 Definitions.
672.3 Relation to other laws.
672.4 Permits.
672.5 Recordkeeping and reporting.
672.6 Area registration.
672.7 Prohibitions.
672.8 Facilitation of enforcement.
672.9 Penalties.

Subpart B—Management Measures

672.20 General limitations.
672.21 [Reserved]
672.22 Inseason adjustments.
672.23 Seasons.
672.24 Gear limitations.
672.25 Disposal of fishing gear and other articles. [Reserved]
672.26 [Reserved]
672.27 Observers.

AUTHORITY: 16 U.S.C. 1801 *et seq.*.

Subpart A—General

§ 672.1 Purpose and scope.

(a) Regulations in this part implement the Fishery Management Plan for Groundfish of the Gulf of Alaska.

(b) For regulations governing fishing in the Gulf of Alaska groundfish fishery by fishing vessels other than vessels of the United States, see 50 CFR 611.92.

(c) These regulations implement the Gulf of Alaska groundfish fishery management plan developed by the North Pacific Fishery Management Council.

[45 FR 73487, Nov. 5, 1980, as amended at 54 FR 18524, May 1, 1989]

§ 672.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

ADF&G means the Alaska Department of Fish and Game.

Bottom trawl means a trawl in which the ground rope of the net is equipped with bobbins or roller gear.

Daily reporting period or day is the period from midnight until the following midnight using Alaska local time (ALT).

Directed fishing means any fishing activity which constitutes directed fishing under the standards specified in § 672.20(g) of this part.

Fish product weight means the weight of the fish product to the nearest tenth of a metric ton (0.1 mt) based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individually frozen fish. The weight of a production unit is based on the average weight of the product as determined by analyzing representative samples. The weight of the production unit does not include packaging. The weight of the production unit does include water added to the product and other additives reported to NMFS. NMFS may use the weight of the production units, with an allowance for water added not to exceed 5 percent of the weight of the production unit, to determine net weight and to calculate round weight equivalents.

Groundfish means pollock, cod, any species of flounder and sole, Pacific ocean perch, thornyhead rockfish, other rockfish, sablefish, Atka mackerel, squid, and other finfish, except salmon, steelhead trout, and Pacific halibut. The scientific names of these species are as follows:

Pollock means *Theragra chalcogramma.*
Cod means *Gadus macrocephalus.*
Arrowtooth flounder means *Atheresthes stomias.*
Other flounder means Pleuronectiformes (order) not specifically defined.
Rock sole means *Lepidopsetta bilineata.*
Flathead sole means *Hippoglossoides elassodon.*
Pacific ocean perch means *Sebastes alutus.*
Atka mackerel means *Pleurogrammus monopterygius.*
Sablefish means *Anoplopoma fimbria.*
Squid means sepioid and teuthoid squid.
Salmon means of the family Salmonidae.
Pacific halibut means *Hippoglossus styenolepis.*
Steelhead trout means *Salmo gairdneri.*
Rattail means Coryphaenoides not specifically defined.
Thornyhead rockfish, not specifically defined, means rockfish of the genus *Sebastolobus.*
Other rockfish means all fish of the genus *Sebastes* except Pacific ocean perch and *S. polyspinus, S. aleutianus, S. borealis,* and *S. zacentrus.*

Gulf of Alaska means that portion of the fishery conservation zone in the North Pacific Ocean exclusive of the Bering Sea, between 132°40′ W. longitude and 170°00′ W. longitude seaward of the State of Alaska.

Landing means off-loading fish.

Length overall of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

Longline means a stationary, buoyed, and anchored line with hooks or pots attached, or the taking of fish by means of such a device.

Net-sonde device means a sensor used to determine the depth from the water surface at which a fishing net is operating.

Pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it protective devices, such as rollers or bobbins, that would make it suitable for fishing in contact with the seabed.

Processing, or *to process,* means the preparation of fish to render it suitable for human consumption, industrial uses, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

Processor vessel, unless otherwise restricted, includes any vessel which is used for, equipped to be used for, or of a type which is normally used for processing, including specifically catcher/processor vessels and mothership processor vessels.

Quarterly reporting period or quarter means a three-month period; the first quarter is from January 1 through March 31, the second quarter is from April 1 through June 30, the third quarter is from July 1 through September 30, and the fourth quarter is from October 1 through December 31.

Regional Director means Director, Alaska Region, National Marine Fisheries Service.

Regulatory area means any of three areas of the EEZ of the Gulf of Alaska seaward of the State of Alaska. The three regulatory areas are described as follows:

Area and Location

Eastern, between 132°40′ and 147°00′ W. longitude.
Central, between 147°00′ and 159°00′ W. longitude.
Western, between 159°00′ and 170°00′ W. longitude.

Regulatory district means any of t three districts of the Eastern Regul tory area or the Shelikof Strait d trict described as follows:

(1) Southeast Outside district—all wate of the EEZ east of 137°00′ W. longitude;

(2) East Yakutat district—all waters b tween 137°00′ W. longitude and 140°00′ longitude; and

(3) West Yakutat district—all waters b tween 140°00′ W. longitude and 147°00′ longitude.

(4) Shelikof Strait district—all waters the EEZ enclosed by a line connecting t following points in figure 1 in the ord listed.

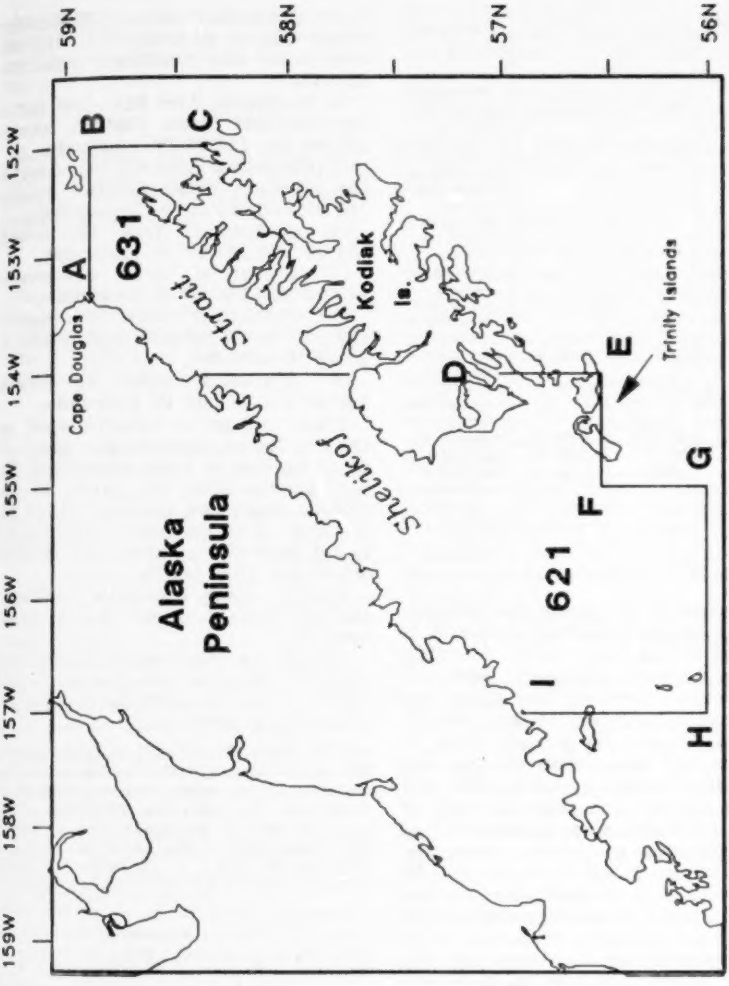

59N
58N
57N
56N
152W
153W
154W
155W
156W
157W
158W
159W
A
B
C
D
E
F
G
H
I
631
621
Cape Douglas
Kodiak Is.
Shelikof Strait
Alaska Peninsula
Trinity Islands

Figure 1. Boundaries of the Shelikof Strait District in the Gulf of Alaska

Reference point	N. lat.	W. long.	Description
A	58°51′ N	153°15′ W	Cape Douglas, then east to
B	58°51′ N	152°00′ W	then south to the intersection of 152°00′W. with Afognak Island, then counter clockwise around the western shorelines of Afognak, Kodiak, and Raspberry Islands to
C			
D	57°00′ N	154°00′ W	Alitak Bay then south to
F	56°30′ N	154°00′ W	then west through Trinity Islands to
F	56°30′ N	155°00′ W	then south to
G	56°00′ N	155°00′ W	then west to
H	56°00′N	157°00′ W	then north to Intersection of 157°00′W. with the Alaska Peninsula.
I			

Reporting area means the relevant Gulf of Alaska statistical area and, in addition to the State waters described in the relevant statistical area, all State waters between the shore and any inshore boundary of that statistical area. Except for pollock, with respect to any groundfish species, any groundfish species group or any prohibited species, the relevant Gulf of Alaska statistical areas include each of the following statistical areas described below: 61, 62, 63, 64, 65, and 68. With respect to pollock, the relevant Gulf of Alaska statistical areas include each of the following statistical areas or portions of statistical areas: 61, 621, 631, 64, 65, 68, that portion of 62 outside of 621, and that portion of 63 outside of 631. A reporting area may be described by the same number or numbers used to identify the associated statistical area(s).

Statistical area means any one of the nine statistical areas of the EEZ in the Gulf of Alaska defined as follows:

(1) Statistical Area 61—between 170°00′ and 159°00′ W. longitudes;

(2) Statistical Area 62—between 159°00′ and 154°00′ W. longitudes;

(3) Statistical Area 620—Shelikof Strait district as defined by this section under the heading, "*Regulatory district.*"

(4) Statistical Area 621—that part of the Shelikof Strait District between 157°00′ and 154°00′ W. longitudes.

(5) Statistical Area 631—that part of the Shelikof Strait District between 154°00′ and 152°00′ W. longitudes.

(6) Statistical Area 63—between 154°00′ and 147°00′ W. longitude;

(7) Statistical Area 64—between 147°00′ and 140°00′ W. longitudes;

(8) Statistical Area 65—east of 137°00′ W. longitude and north of 54°30′ N. latitude;

(9) Statistical Area 68—between 140°00′ and 137°00′ W. longitudes.

Trawl means a funnel-shaped net that is towed through the water for catching fish or other organisms. The net accumulates its catch in the closed, small end (usually called the cod end). This definition includes, but is not limited to, Danish and Scottish seines and otter trawls.

Vessel, unless otherwise restricted, include catcher vessels and processor vessels.

Weekly reporting period means from midnight Sunday morning until midnight of the following Saturday night, Alaska local time (ALT).

[45 FR 73487, Nov. 5, 1981, as amended at 48 FR 43049, Sept. 21, 1983; 49 FR 48050, Dec. 10, 1984; 50 FR 43200, Oct. 24, 1985; 52 FR 7872, Mar. 13, 1987; 53 FR 24655, 24660, June 29, 1988; 53 FR 44011, Nov. 1, 1988; 54 FR 18524, May 1, 1989; 54 FR 50395, Dec. 6, 1989; 55 FR 1036, Jan. 11, 1990; 55 FR 4846, Feb. 12, 1990; 55 FR 9891, Mar. 16, 1990]

EFFECTIVE DATE NOTE: At 55 FR 33720, Aug. 17, 1990, an emergency interim rule was issued amending § 672.2 by adding the definitions of *fishing line, foot rope, hook-and-line, jig, and pot-and-line* and revising the definition of *pelagic trawl*, effective from August 14, 1990 through November 10, 1990. For the convenience of the user, the emergency interim rule appears below.

§ 672.2 Definitions.

* * * * *

Fishing line means a length of chain or wire in the bottom front end of a trawl to which the footrope is attached.

Foot rope means a chain or wire rope attached to the bottom front end of a trawl and is attached to the fishing line.

* * * * *

Hook-and-line means a stationary, buoyed, and anchored line with hooks attached, or the taking of fish by means of such a device.

* * * * *

Jig means rod-and-reel gear, troll gear, or jigging machines with a single non-buoyed, non-anchored line with hooks attached, or the taking of fish by means of such a device.

* * * * *

Pelagic trawl means (1) a trawl which has stretched mesh size openings of at least 1 meter, as measured diagonally from knot to knot when opposite sides of the mesh are brought together, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net; or (2) a trawl with parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meters and going around the entire circumference of the trawl.

Pot-and-line means a stationary, buoyed, and anchored line with pots attached, or the taking of fish by means of such a device.

§ 672.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92; for those governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands, see 50 CFR 611.93. For regulations governing fishing for groundfish in the Bering Sea and Aleutian Islands by vessels of the United States, see 50 CFR part 675; for those governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals, see 50 CFR 216.24 and 50 CFR part 229. For regulations governing fishing for Pacific halibut by vessels of the United States, see 50 CFR 301.

[53 FR 7759, Mar. 10, 1988, as amended at 53 FR 24658, June 29, 1988; 54 FR 50397, Dec. 6, 1989]

§ 672.4 Permits.

(a) *General.* No vessel of the United States may fish for groundfish in the Gulf of Alaska without first obtaining a permit issued under this part. Permits shall be issued without charge.

(b) *Application.* The vessel permit required under paragraph (a) of this section may be obtained by submitting to the Regional Director a written application containing the following information:

(1) The vessel owner's name, mailing address, and telephone number;

(2) The name of the vessel;

(3) The vessel's U.S. Coast Guard documentation number or State registration number;

(4) The home port of the vessel;

(5) The type of fishing gear to be used;

(6) The length and net tonnage of the vessel;

(7) The hull color of the vessel;

(8) The names of all operators and/or lessees of the vessel;

(9) Whether the vessel is to be used in fish harvesting, in which case the type of fishing gear to be used must be specified; or for support operations, including the receipt of fish from U.S. vessels at sea; and

(10) The signature of the applicant.

(c) *Issuance.* (1) Except as provided in Subpart D of 15 CFR Part 904, upon receipt of a properly completed application, the Regional Director will issue a permit.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 10 days following the date of notification, the application shall be considered abandoned.

(d) *Notification of change.* (1) Except as provided in paragraph (d)(2) of this section, any person who has applied for and received a permit under this section must give written notification of any change in the information provided under paragraph (b) of this section to the Regional Director within 30 days of the date of that change.

(2) A permit issued under this section will authorize either harvesting or support operations, but not both. The notification to the Regional Director under paragraph (d)(1) of this section of a change in the type of operations in which that vessel is to engage must be completed before that vessel begins the new type of operation.

(e) *Duration.* A permit will continue in full force and effect through December 31 of the year for which it was issued, or until it is revoked, suspended, or modified under Part 621 (Civil Procedures) of this chapter.

(f) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit that has been intentionally altered, erased, or mutilated shall be invalid.

(g) *Transfer.* Permits issued under this part are not transferable or assignable. A permit shall be valid only for the vessel for which it is issued.

(h) *Inspection.* Any permit issued under this part must be carried abroad the vessel whenever the vessel is fishing for groundfish. The permit shall be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

[45 FR 73487, Nov. 5, 1981, as amended at 49 FR 1044, Jan. 6, 1984; 50 FR 43200, Oct. 24, 1985]

§ 672.5 Recordkeeping and reporting.

(a) *Applicability and general requirements*—(1) *Applicability.* The operator of a vessel and the manager of a shoreside processing facility are each responsible for compliance with the applicable recordkeeping and reporting requirements of this section. In addition, the owner of a vessel or shoreside processing facility must ensure that the operator or manager complies with these requirements and is jointly and severally responsible for compliance. Except as otherwise provided, this section applies to all vessels required have a Federal groundfish fishi permit under § 672.4 of this pa Except as otherwise provided, this s tion applies to all processor vess and shoreside processing facilities th receive groundfish from vessels re lated under this part. This section plies to any fishing or processing th involves any groundfish species, sp cies group or prohibited species re lated under this part.

(2) *General requirements.* The oper tors and managers of vessels a shoreside processing facilities mu comply with the recordkeeping, porting, logbook and notice requir ments of this section; must mainta timely and accurate records, repor and logbooks required by this sectio must maintain all required records, ports and logbooks in a legible mann and in English; and must maintain required records, reports and logboo based on Alaska Local Time (ALT). reporting periods are calculated usi ALT.

(3) *Requirement of availability f inspection.* The operator of a vess and the manager of a shoreside pro essing facility must make available th original copy of any record, report logbook required under this sectio immediately upon the request of a authorized officer or observer at an time during which the record, repor or logbook is required to be mai tained by the operator or manager.

(4) *Requirements related to submi sions.* (i) Records and reports whic are required to be submitted to th Alaska Fisheries Science Center mus be addressed or delivered to the Na tional Marine Fisheries Service, 760 Sand Point Way NE Building 4, Seat tle, WA 98115.

(ii) Records, reports, and notice which are required to be submitted o provided to the Regional Directo must be submitted or provided in th manner specified by the Regional Di rector.

(b) *Logbooks.* The operator of an catcher vessel 5 net tons or larger, th operator of any processor vessel, an the manager of any shoreside process ing facility must meet the followin recordkeeping requirements if tha vessel or facility harvests or process groundfish from any reporting area in the Gulf of Alaska:

(1) *General.*—(i) *Retention of logbook records during the fishing year.* The operator of a vessel must retain the original copy of all logbooks required under this section on board the vessel until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel. The manager of each shoreside processing facility must retain the original copy of all logbooks required under this section within the processing facility until the end of the fishing year and for as long after the end of the fishing year as fish and fish products recorded in the logbook are retained at the processing facility.

(ii) *Prescribed logbooks.* The Regional Director will prescribe and provide logbooks required under this section. The operator of a vessel and the manager of a shoreside processing facility must use these prescribed logbooks.

(iii) *Entries and alterations in logbooks.* The operator or manager must maintain and record information as required by instructions in the logbooks and in accordance with this section. No person may remove any original page of any logbook. Any entry or recording of information which is required to be made in a logbook must be made in indelible ink. No person may alter or change any entry or record in a logbook except that an inaccurate or incorrect entry or record may be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible.

(2) *Daily fishing logbook.* (i) The operator of a catcher/processor or catcher vessel harvesting groundfish from any reporting area in the Gulf of Alaska must maintain onboard a daily fishing logbook of the effort and catch information of the vessel as described in paragraph (b)(2)(ii) of this section. Daily effort entries are required for each day the vessel conducts fishing operations. Daily entries are not required for those days when the fishing vessel stays in port. The operator of a catcher/processor vessel will be provided with a daily fishing logbook that also functions as a daily cumulative production logbook required under paragraph (b)(3) of this section.

(ii) *Daily fishing logbook; contents.* (A) The daily fishing logbook must record the following effort information on a daily basis:

(*1*) The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily fishing logbook must be used for each day's fishing activity. If fishing activity is conducted with more than one gear type or in more than one reporting area during any day, a separate page in the daily fishing logbook also must be used for each gear type or reporting area.

(*2*) The date.

(*3*) The vessel's name and ADF&G vessel number.

(*4*) The reporting area where the vessel is conducting fishing activity.

(*5*) The gear type used by the vessel pelagic trawl, bottom trawl, hook and line, or pot gear).

(*6*) The signature of the operator of the vessel.

(*7*) The size if the crew.

(*8*) Daily discard amounts of each groundfish species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight, and daily discard amounts of each prohibited species listed under § 672.20(e) of this part by number, except for discard amounts of herring, which must be reported by round weight (0.1 mt).

(B) The following information must be recorded for each haul or set, as appropriate to the gear type employed:

(*1*) The trawl or set number. This number must be consecutive beginning with number one for the first haul or set of the day.

(*2*) The time at the beginning of the trawl or set.

(*3*) The position of the vessel at the beginning of the trawl or set in geographic coordinates.

(*4*) The sea depth at the beginning of the trawl or set in fathoms.

(*5*) Information concerning the gear used by the vessel. If the vessel is using longline gear, this information must include the average number of hooks or pots per skate and the number of skates used. If the vessel is using trawl gear, this information must include average trawl depth in fathoms.

(*6*) The duration of the set or trawl in minutes.

(*7*) The position of the vessel at the completion of the trawl or set in geographic coordinates.

(*8*) The estimated total weight of the catch for the trawl or set in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the daily fishing logbook.* Entries in the daily fishing logbook as to trawl or set number, time, position, and estimated catch weight must be recorded within two hours after completion of the applicable trawl or set. All other information required in the daily fishing log under paragraph (b)(2)(ii) of this section must be recorded by noon of the following day.

(iv) *In all cases, upon delivery or landing; provision of discard information to processors.* Notwithstanding other time limits, all information required under paragraph (b)(2)(ii) must be recorded in the daily fishing logbook prior to the time when the vessel's catch is off-loaded. The daily discard information for each day since the previous offload must be provided to the processor receiving the catch. The processor must record this discard information in the daily cumulative production logbook and in the weekly production report.

(v) *Quarterly submission of daily fishing logbooks.* The operator of a catcher vessel or catcher/processor vessel must submit a copy of the daily fishing logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily fishing logbook for fishing activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(3) *Daily cumulative production logbook.* (*i*) The operator of a processor vessel and the manager of a shoreside processing facility that receives or processes groundfish from any reporting area in the Gulf of Alaska must maintain on the processor vessel or within the processing facility a daily cumulative production logbook of estimated catch receipt (if applicable), species discard amounts, and retained groundfish product information as described in paragraph (b)(3)(ii) of this section. Daily entries are required for each day a processor vessel or facility receives or processes groundfish.

(ii) *Daily cumulative production logbook; contents.* (A) The daily cumulative production logbook must record the following information on a daily basis:

(*1*) The page number. This number must be consecutive beginning with page one for the first day the processor vessel or processing facility conducted any fishing or processing activity after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily cumulative production logbook must be used for each day's entries. If fish received by the processor vessel or facility during any day are harvested with more than one gear type or are harvested from more than one reporting area, a separate page in the daily cumulative production logbook also must be used for each gear type or reporting area.

(*2*) The date.

(*3*) The name of the processing vessel or facility.

(*4*) The ADF&G vessel number or the Alaska State processor code, whichever is applicable.

(*5*) The reporting area where the groundfish was harvested.

(*6*) The gear type used to harvest the groundfish received by the processing vessel or facility (pelagic trawl, bottom trawl, hook and line, or pot gear).

(*7*) The signature of the operator of the processing vessel or the manager of the facility.

(*8*) The number of crew or employees engaged by a processor for fishing, processing, or other activities.

(*9*) The amounts of each groundfish species, groundfish species group, and prohibited species listed under §672.20(e) of this part, that are discarded in related fishing or processing activity. These amounts should include discards reported to a processor by operators of catcher vessels under § 672.5(b)(2)(iv) of this part. Discard amounts of groundfish should be recorded to the nearest tenth of a metric ton (0.1 mt) round weight. Discard amounts for each prohibited species listed under § 672.20(e) of this part must be recorded by number, except for discard amounts of herring, which must be recorded by round weight (0.1 mt).

(*10*) Species product information for each day of processing activity. Fish product weight must be specified to the nearest tenth of a metric ton (0.1 mt). Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 672.20 of this part:

(*i*) The product by species and product type codes.

(*ii*) The daily total amount of the product produced by species and product type codes in fish product weight.

(*iii*) The weekly total amount of the product produced by species and product type codes in fish product weight to be carried forward from the previous day. At the beginning of each weekly reporting period, the weekly total amount for each product is zero and nothing shall be carried forward from the previous weekly reporting period.

(*iv*) The updated weekly total amount of the product produced by species and product type codes in fish product weight calculated by adding the relevant daily total and the weekly total to be carried forward.

(B) The daily cumulative production logbook must record the following information for each catch receipt:

(*1*) For each groundfish set or codend received by mothership processor vessel:

(*i*) The State of Alaska fish ticket number.

(*ii*) The time when the set or codend is received.

(*iii*) The position of the mothership processor vessel in geographic coordinates when the set or codend is received.

(*iv*) The name of the catcher vessel delivering the set or codend.

(*v*) The ADF&G vessel number of the catcher vessel delivering the set or codend.

(*vi*) The estimated total weight of the set or codend in round weight to the nearest metric ton (mt).

(*2*) For each groundfish landing received by shoreside processors from catcher vessels:

(*i*) The State of Alaska fish ticket number.

(*ii*) The time when the catch is received.

(*iii*) The name of the vessel delivering the catch.

(*iv*) The ADF&G vessel number of the vessel delivering the catch.

(*v*) The estimated total weight of the catch in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the Daily cumulative production logbook.* Information concerning the catch receipt number or State of Alaska fish ticket numbr, time of receipt, the name of the delivering vessel and, for mothership processor vessel, the position of that vessel and the estimated catch receipt weight, must be recorded in the daily cumulative production logbook within 2 hours after the set, codend or catch is received. All other information required in the daily cumulative production logbook under paragraph (b)(3)(ii) of this section must be recorded by noon of the day following the day the catch receipt or production occurred. Information concerning product amounts must be recorded in the daily cumulative production logbook by noon of the day following the processing of the product regardless of when the set, codend or catch is received.

(iv) *Quarterly submission of the daily cumulative production logbook.* The operator of a processor vessel or manager of a shoreside processing facility must submit a copy of the daily cumulative production logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily cumulative production logbook for activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and the fourth quarter, by February 1 of the following year.

(4) *Product transfer logbooks.* The operator of a processor vessel and the manager of a shoreside processing facility must record, in a separate transfer logbook, each transfer. A transfer includes any loading, offloading, shipment or receipt of any processed groundfish product, including quantities transferred outside the EEZ, within any state's territorial waters, or within the internal waters of any state or at any shoreside facility. Product transfer information must be recorded in the product transfer logbook within 12 hours of the completion of the transfer.

(i) *Product transfer logbooks; contents.* The transfer logbook must record the following information:

(A) *The page number.* This number must be consecutive beginning with page one for the first transfer occurring after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year.

(B) *The time, date and location.* This information must include the time and date when the transfer began and the time and date when it is completed. If the product transfer logbook is maintained for a processor vessel, this information must include the location of the transfer. If the processor vessel is at sea, the location of the transfer must be specified in geographic coordinates. If the processor vessel is in port, the location of the transfer must be specified by identifying that port.

(C) *Identification information.* If the product transfer logbook is maintained for a processor vessel, the identification information must include the vessel's name, the Federal permit number, the ADF&G vessel number and radio call sign. If the product transfer logbook is maintained for a shoreside processing facility, the identification information must include the name of the facility, the location of the facility, and the Alaska State Processor Code number.

(D) *Company representative information.* Company representative information must include the name of a person representing the processor vessel or facility, the telephone number for that person and either telex or facsimile number for that person.

(E) *Transfer information.* The transfer information must include the type of transfer involved and must specify whether the transfer is a shipment or offloading or whether it is a receipt or loading.

(F) *Second party information* Second party information must include information concerning the other parties involved in the transfer including the name, Federal permit number and radio call sign of any vessel involved, the name of any shipping agent involved, and the name and location of any processing facility involved. If the transfer involves a shipment, the second party information must include the destination of the carrier or vessel receiving the fish product.

(G) *The total amount of the product transferred by species code and product type in fish product weight to the nearest tenth of a metric ton (0.1 mt)* Information concerning the amount of the product must include the total number of production units transferred and the estimated weight of each production unit type.

(ii) *Submission of product transfer logbooks.* An operator of a processor vessel and a manager of a shoreside processing facility must submit a copy of the product transfer logbook to the Regional Director for each week when any product transfer activity occurred. Copies of the product transfer logbooks must be received by the Regional Director within one week after the week when the transfer occurred.

(c) *Other reporting requirements* The operator or manager of any vessel or shoreside processor of the United States that harvests or processes groundfish caught from any reporting area in the Gulf of Alaska must, in addition to the requirements of paragraphs (a) and (b) of this section, comply with the following requirements:

(1) *Alaska groundfish check-in/check-out notices:* (1) *Requirement* Prior to the commencement of any fishing activity in, or the receipt of any groundfish from, any Gulf of

Alaska reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-in notice to the Regional Director. Upon the completion of fishing activity in or the receipt of any groundfish from any Gulf of Alaska reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-out notice to the Regional Director.

(ii) *Check-in/check-out notices; contents:* The notice of check-in or check-out must include the following information:

(A) The processor vessel's name, radio call sign, and, if applicable, Federal groundfish permit number;

(B) Time and date information. If the notice concerns the commencement of fishing activity or the receipt of groundfish, this information must include the time and date of when these activities will commence. If the notice concerns the completion of fishing activities or the receipt of groundfish, this information must include the time and date of when these activities ceased.

(C) Location. The reporting area and position in geographic coordinates where the fishing activity or receipt of groundfish is expected to occur or has occurred.

(iii) *Check-in/check-out notices; submission or method of providing notice.* The operator of a processor vessel required to provide a check-in or check-out notice must provide that notice through the means and in the manner prescribed by the Regional Director.

(2) *Weekly production reports*—(i) *Requirements for processor vessels.* The operator of a processor vessel which conducts fishing activity in, or receives groundfish from, any Gulf of Alaska reporting area at any time during a fishing year must submit weekly production reports. Weekly production reports are required for a processor vessel for any week during the period beginning with the date specified in the check-in notice and ending after all groundfish harvested from and fish products prepared with any groundfish harvested from any Gulf of Alaska reporting area are offloaded. Weekly production reports are required during this period even if no groundfish is harvested or received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(ii) *Weekly production reports; requirements for shoreside processors.* The manager of a shoreside processing facility must submit weekly production reports beginning with the first week of the year when the facility receives any groundfish from a Gulf of Alaska reporting area and continuing until the end of the year or until the facility ceases groundfish production for the year. Weekly production reports are required during this period even if no groundfish is received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(iii) *Weekly production reports; contents.* The weekly production report must have a separate page for each gear type used. Each page must include the following information:

(A) The name of the person submitting the report, a telephone number for that person, and either a facsimile or telex number for that person.

(B) Identification information. If the weekly production report is submitted for a processor vessel, this information must include the name and radio call sign of that vessel. If the weekly report is submitted for a shoreside processing facility, this information must include the name of the plant.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The end date of the weekly reporting period.

(E) The gear type used to harvest the groundfish catch or catch receipt (pelagic trawl, bottom trawl, hook and line, or pot gear).

(F) The reporting area or areas from which groundfish was harvested and retained during the weekly reporting period with the reporting area or areas specified for each groundfish species or species group.

(G) The number of days when fishing activities were conducted and when fish were received.

(H) The total estimated catch weight or catch receipt for each reporting area to the nearest metric ton (mt).

(I) The amount of each product by species code and product type with the amount produced during the weekly reporting period specified in fish product weight for each groundfish species or species group for which a total allowable catch is specified under § 672.20 of this part.

(J) The amount of each groundfish species, groundfish species group, or prohibited species listed under § 672.20(e) of this part, which is discarded in related fishing operations during the weekly reporting period.

(iv) *Weekly production reports; submission.* Weekly production reports must be submitted to the Regional Director. Weekly production reports must be received by the Regional Director within one week after the end of the applicable weekly reporting period.

(d) *Groundfish utilization surveys.* (1) Any U.S. fish processor or purchaser (i.e., any person who receives fish for a commerical purpose from a fishing vessel subject to this part), except:

(i) Any fisherman purchasing fish for his own use as bait or (ii) any foreign fishing vessel permitted to receive U.S. harvested fish at sea, shall accurately complete each written survey authorized by this section and received by the processor or purchaser from the Regional Director.

(2) Surveys shall be conducted at those times considered necessary by the Regional Director, but at least twice, and no more than four times, during the fishing year.

(3) Each survey shall be designed to gather the following information:

(i) Changes in processing plant capacity;

(ii) Changes in the availability of groundfish by species;

(iii) Changes in market demand;

(iv) Changes in expected utilization of processing capacity or expected purchases of groundfish species for the subsequent 12-month period; and

(v) Changes in other factors whi
the purchaser or processor believ
relevant to the accurate determinati
of the amounts of domestic annu
processing (DAP).

(4) Completed surveys shall be
turned to the Regional Director at t
address and by the date specified
the survey.

(e) *U.S. vessels delivering to forei
processing vessels.* (1) The owner
operator of any fishing vessel regul
ed by this section who has delivere
or intends to deliver, groundfi
caught in any Gulf of Alaska regul
tory area to a foreign fishing vessel
sea shall accurately complete ea
written survey authorized by this s
tion and received by the owner or
erator from the Regional Director.

(2) Surveys shall be conducted
those times considered necessary
the Regional Director, but at le
twice, and no more than four tim
during the fishing year.

(3) Each survey shall be designed
gather the following information:

(i) Changes in the number and
pacity of U.S. vessels which harv
groundfish to be delivered to forei
fishing vessels at sea;

(ii) Changes in regulatory areas
operation;

(iii) Changes in capacity or op
ations of the foreign fishing vessel
which deliveries are being, or will
made;

(iv) Changes in quantities and s
cies of groundfish expected to be deli
ered in the subsequent 12-mon
period;

(v) Changes in alternative fishe
opportunities available to the U.S. v
sels; and

(vi) Changes in other factors t
owner or operator believes relevant
the accurate determination of t
amount of joint venture processi
(JVP).

(4) Completed surveys shall be
turned to the Regional Director at t
address and by the date specified
the survey.

[46 FR 73487, Nov. 5, 1981, as amended at
FR 43200, 43203, Oct. 24, 1985; 52 FR 78
Mar. 13, 1987; 52 FR 49022, Dec. 29, 1987;
FR 7760, Mar. 10, 1988; 53 FR 24656, Ju
29, 1988; 53 FR 44012, Nov. 1, 1988; 54
18524, May 1, 1989; 54 FR 50397, Dec.

1989; 55 FR 1036, Jan. 11, 1990; 55 FR 34934, Aug. 27, 1990]

§ 672.6 Area registration.

(a) *General.* The operator of any fishing vessel regulated under this part must register that vessel with the Regional Director and be issued a registration number before fishing for groundfish with hook-and-line gear in any of the following Areas or Districts, as defined at § 672.2 of this part, that are open to directed fishing for sablefish with hook-and-line gear:

(1) Western Regulatory Area,

(2) Central Regulatory Area,

(3) West Yakutat District of the Eastern Regulatory Area, and

(4) Southeast Outside-East Ysakutat Districts (combined) of the Eastern Regulatory Area.

(b) *Information required for area registration.* For each registration, registrants must select only one regulatory area or regulatory district and provide the following information:

(1) The name of the vessel operator;

(2) The name of the vessel;

(3) The vessel's Federal Gulf of Alaska groundfish permit number;

(4) The date the vessel will begin fishing for groundfish in the selected regulatory area or regulatory district with hook-and-line gear; and

(5) The regulatory area or regulatory district in which such hook-and-line fishing will take place.

(c) *Limitations.* (1) Any registration under this section will have the effect of canceling any previous registration as of the date specified under paragraph (b)(4) of this section.

(2) The information required by paragraph (b) of this section must be submitted at:

(i) One of the following three NMFS locations in person or by telephone at one of the following numbers during business hours, 8:00 a.m. to 4:30 p.m., local time, Monday through Friday:

Fishery Management Division, National Marine Fisheries Service, 709 W. 9th Street, Juneau, AK, Toll-free telephone (In Alaska) 1-800-478-7644, (Outside Alaska) 1-800-334-7865

Enforcement Division, National Marine Fisheries Service, 1211 Gibson Cove Road, Kodiak, AK, Telephone 907-486-3298

Enforcement Division, National Marine Fisheries Service, Post Office Building, Sitka, AK, Telephone 907-747-6940; or

(ii) At one of the following numbers between the hours of 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 4:30 p.m., local time, Saturday and Sunday:

Fishery Management Division, National Marine Fisheries Service, Juneau, Alaska, Toll-free telephone (In Alaska) 1-800-478-7644, (Outside Alaska) 1-800-334-7865.

(3) It is unlawful for any person to fish for groundfish from a vessel regulated under this part with hook-and-line gear in any regulatory area or regulatory district, which is open to directed fishing for sablefish with hook-and-line gear, unless that vessel has been registered in accordance with this section and is in receipt of a registration number.

[53 FR 11298, Apr. 6, 1988]

§ 672.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for groundfish with a vessel of the United States which does not have aboard a valid permit issued pursuant to this part.

(b) Forcibly assault, resist, impede, intimidate, or interfere with an observer placed aboard a fishing vessel pursuant to this part.

(c) Conduct any fishing contrary to a notice of inseason adjustment issued under § 672.22(a) of this part.

(d) Fish for groundfish except in compliance with the terms of an observer plan as provided by § 672.27 of this part.

[45 FR 73487, Nov. 5, 1980, as amended at 52 FR 7873, Mar. 13, 1987; 53 FR 24658, June 29, 1988; 54 FR 50401, Dec. 6, 1989]

§ 672.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 672.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 672.20 General limitations.

(a) *Harvest limits*—(1) *Optimum yield.* The optimum yield (OY) for the fishery regulated by this section and by 50 CFR 611.92 is a range of 116,000 to 800,000 mt for target species and the "other species" category in the Gulf of Alaska management area, to the extent this amount can be harvested consistently with this part and 50 CFR Part 611, plus the amounts of "non-specified species" taken incidentally to the harvest of target species and the "other species" category. The species categories are defined in Table 1 of this section.

(2) *Total Allowable Catch (TAC).* The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the "other species" category, and will apportion the TACs among DAP, JVP, TALFF, and reserves. TACs in the target species category may be split or combined for purposes of establishing new TACs with apportionments thereof under paragraph (c)(1) of this section.

(b) *Prohibited species catch limits* (1) When the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully harvested in the DAP fishery, the Secretary may specify for each calendar year the prohibited species catch (PSC) limit applicable to the JVP and TALFF fisheries for that species or species group. Any PSC limit specified under this paragraph shall be provided as bycatch only, and may not exceed an amount determined to be that amount necessary to harvest target species. Species for which a PSC limit has been specified under this paragraph shall be treated in the same manner as prohibited species under paragraph (e) of this section.

(2) The annual determinations of the PSC limit for each species or species group under paragraph (b)(1) of this section may be adjusted, based upon a review of the following:

(i) Assessments of the biological condition of each PSC species. Assessments will include where practicable updated estimates of maximum sustainable yield (MSY), and acceptable biological catch (ABC); estimates of groundfish species mortality from nongroundfish fisheries, subsistence fisheries, recreational fisheries, and the difference between groundfish mortality and catch. Assessments may include information on historical catch trends and current catch statistics; assessments of alternative harvesting strategies and related effects on component species and species groups; relevant information relating to changes in groundfish markets; and recommendations for PSC limits for species or species group fully utilized by the DAP fisheries;

(ii) Socioeconomic considerations that are consistent with the goals and objectives of the FMP.

(c) *Notices.* (1) *Notices of harvest limits and PSC limits.* As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the FEDERAL REGISTER specifying preliminary annual TAC, DAP, JVP, TALFF, reserves, and applicable PSC amounts for each target species, "other species" category, and species determined to be fully utilized by the DAP fisheries. The preliminary specifications of DAP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the U.S. fishing industry for delivery to U.S. processors. The preliminary specifications of JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the U.S. fishing industry for delivery to foreign processors, subject to reductions to accommodate increasing DAP. These additional amounts will reflect as accurately as possible the projected increases in U.S. processing and harvesting capacity and the extent to which U.S. processing and harvesting will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. The Secretary will consider timely comments and, after consultation with the Council, specify the final PSC limits and annual TAC for each target species, the "other species" category, and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the FEDERAL REGISTER on or about January 1 of each year. These amounts will replace the corresponding amounts for the previous year.

(2) *Notices prohibiting directed fishing.* If the Regional Director determines that the amount of a target species or "other species" category apportioned to a fishery is likely to be reached, the Regional Director may establish a directed fishing allowance for that species or species group. The amount of a species or species group apportioned to a fishery is the amount in Table 1 or, if applicable, Table 2, as these amounts are revised by inseason adjustments, for that species or species group, as identified by regulatory areas or district and as further identified according to any allocation for TALFF, the apportionment for JVP, the apportionment for DAP and, if applicable, as further identified by gear type. In establishing a directed fishing allowance, the Regional Director shall consider the amount of that species or species group which will be taken as incidental catch in directed fishing for other species in the same regulatory area or district. If the Regional Director establishes a directed fishing allowance and that allowance is or will be reached, he will prohibit directed fishing for that species or species group in the specified regulatory area or district. No person may engage in directed fishing in violation of an applicable notice. If directed fishing is prohibited, the amount of any catch of that species or species group equal to or greater than the amount which constitutes directed fishing may not be retained and must be treated as a prohibited species under paragraph (e) of this section.

(3) *Notices of closure.* If the Regional Director determines that the TAC for any target species or of the "other species" category in a regulatory area or district in Table 1 has been or will be reached, the Secretary will publish a notice in the FEDERAL REGISTER declaring that the species or species group is to be treated as a prohibited species under § 672.20(e) of this section in all or part of that area or district. During the time that this notice is in effect, the operator of every vessel regulated by this part must minimize the catch of that species in the area or district, or part thereof where the notice is applicable.

(4) *Notice of prohibitions or limitations.* If, in making a determination under paragraph (c)(3) of this section, the Regional Director also determines that fishing for other target species or species groups in the area, district or part thereof where the notice applies, may lead to the overfishing of the species or species group for which the TAC is or will be reached, then the Secretary will publish a notice in the FEDERAL REGISTER specifying limitations or prohibitions designed to prevent overfishing of the species or species group for which the TAC is or will be reached. These limitations and prohibitions may prohibit directed fishing for other species or species groups in the area, district, or part thereof where the notice applies, or may limit time, area, or gear types which may be used in the directed fishing for the other species or species groups.

(5) *Factors to be considered.* In making a determination under paragraphs (c) (3) or (4) of this section, the Secretary may allow fishing with certain gear types to continue after taking into account and issuing findings relevant to the following considerations:

(i) The risk of biological harm to a groundfish species or species group for which the TAC is or will be reached;

(ii) The risk of socioeconomic harm to authorized users of the groundfish species or species group for which the TAC is or will be reached; and

(iii) The impact that the continued closure might have on the socioeconomic well-being of other domestic fisheries.

(6) *Prohibition of JVP or TALFF fishing if PSC limit is or will be reached.* If the Regional Director determines that a PSC limit applicable to a directed JVP or TALFF fishery in a regulatory area or district in table 1 is or will be reached, the Secretary will

publish a notice of closure in the FEDERAL REGISTER prohibiting all further JVP or TALFF fishing in all or part of the regulatory area or district concerned.

(d) *Apportionment of reserves, initial DAH, and adjustment of PSC limits*—(1) *Apportionment of reserves.* (i) In accordance with paragraph (d)(5) of this section and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF, part or all of the reserves specified in Table 1.

(ii) As soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary may apportion to DAH, in accordance with paragraph (d)(3) of this section, any amounts of any reserve that he determines to be needed to supplement DAH.

(2) *Apportionment of surplus DAP to JVP and surplus DAH to TALFF.* In accordance with paragraph (d)(5) of this section and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary will apportion to JVP any part of the DAP amounts that he determines will not be processed by U.S. processors, and may apportion to TALFF any part of the DAH amounts that he determines will not be harvested by U.S. fishermen during the remainder of the year.

(3) *Allocation of increases or decreases in DAH among DAP and JVP.* The Secretary may allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (d)(1)(ii) and (d)(2) of this section among the DAP and JVP components of DAH.

(4) *Adjustment of PSC limits resulting from apportionments.* If the Secretary makes inseason apportionments of target species, the Secretary may proportionately increase any PSC limit amount of species fully utilized by the DAP fishery if such increase will not result in overfishing of that species. Any adjusted PSC limit may not exceed the amount determined to be necessary to harvest a target species.

(5) *Standards and procedure for apportionment*—(i) *General.* The Secretary, under paragraphs (d)(1) and (d)(2) of this section, may apportion to TALFF only those amounts that he determines will not be harvested by vessels of the United States during the remainder of the fishing year, and shall apportion to JVP only those amounts he determines will be harvested by vessels of the United States during the remainder of the fishing year but will not be processed by United States processors. The amount of reserve that the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, either be apportioned to DAP or JVP, or retained in the reserves as eligible for later apportionment under paragraph (d) of this section.

(ii) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (d)(1) and (d)(2) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director will consider the following factors, although he may not be limited to these factors:

(A) Reported U.S. catch and effort by species and area compared to previously projected U.S. harvesting capacity;

(B) Projected U.S. catch and effort by species and area for the remainder of the fishing year;

(C) Amounts of fish, particularly U.S. harvested fish, already purchased or processed by U.S. fish processors during the fishing year, compared to previously projected processing capacity of U.S. fish processors;

(D) Projected processing capacity, and utilization of that capacity for the processing of U.S. harvested fish, by U.S. fish processors for the remainder of the fishing year;

(E) Amounts of U.S. harvested fish already received or processed by foreign fishing vessels, compared to previously projected levels of such receipt or processing; and

(F) The need to maintain orderly fisheries despite any misspecifications of bycatch species amounts in mixed species fisheries.

(iii) *Allocation of increases and decreases in DAH between DAP and JVP.* The Secretary may allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (d)(1) and (d)(2) of this section between DAP and JVP.

(iv) *Public comment.* (A) Comments may be submitted to the Regional Director concerning:

(*1*) Whether, and the extent to which, vessels of the U.S. will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*2*) Whether, and the extent to which, U.S. harvested groundfish can or will be processed by U.S. fish processors or received at sea by foreign fishing vessels.

(*3*) Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, and must be received by the Regional Director no later than five (5) days before the relevant date specified in paragraph (d)(1) or (d)(2) of this section. When the Secretary determines that apportionment is required on dates other than those specified in paragraph (d)(1) or (d)(2) of this section, he will publish a notice in the Federal Register on the proposed apportionment which will state the period during which comments may be submitted. If the Secretary finds it necessary to apportion additional amounts without affording a prior opportunity for public comment in order to prevent the premature closure of a fishery, public comments will be invited for a period of fifteen (15) days after the effective date of the apportionment. The Secretary will consider all timely comments in deciding whether to make a proposed apportionment or to modify an apportionment that has previously been made, and will publish responses to those comments in the Federal Register as soon as is practicable.

(B) The Secretary will consider any timely comments submitted in accordance with this paragraph in determining whether, and to what extent, vessels of the U.S. will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (d)(1) and (d)(2) of this section.

(C) The Regional Director will compile, in aggregate form, the most recent available reports on

(*1*) The level of catch and effort by vessels of the United States fishing for groundfish in the Gulf of Alaska; and

(*2*) The amounts of U.S. harvested groundfish taken in the Gulf of Alaska and processed by U.S. fish processors or delivered at sea to foreign fishing vessels. These data will be available for public inspection during business hours (8:00 a.m.-4:30 p.m. Monday-Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, AK 99802, during the last 25 days of each comment period.

(v) *Procedure.* As soon as practicable after each of the dates specified in, and each additional date selected under paragraph (d) (1) or (2) of this section, the Secretary will publish in the Federal Register:

(A) Any reserve amounts to be apportioned to TALFF or DAH;

(B) Any DAH amounts to be apportioned to TALFF;

(C) The distribution of amounts apportioned to or from DAH among DAP and JVP;

(D) Any adjustments in PSC limit amounts made under this section;

(E) The reasons for any apportionments and their distribution; and

(F) Responses to any comments received.

(e) *Prohibited species.* (1) Prohibited species, for the purpose of this part, are any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (*Salmo gairdneri*), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasi*), king crab (*Paralithodes* spp., and *Lithodes* spp.) and Tanner crab (*Chionoecetes* spp.) caught by a vessel regulated under this part while fishing for groundfish in the Gulf of Alaska, unless retention is authorized by other applicable law, including the regulations of the International Pacific Halibut Commission.

(2) Each vessel shall sort its catch as soon as possible after retrieval of the catch and, after allowing for sampling

by an observer (if any), shall return any catch of prohibited species or parts thereof to the sea immediately with a minimum of injury regardless of its condition.

(3) There shall be a rebuttable presumption that any prohibited species found onboard a fishing vessel regulated by this part was caught and retained in violation of this part.

(4) In any regulatory area where the TQ in Table 1 of paragraph (c) for any species is "0" (zero), any catch of that species by a vessel regulated by this part, in that fishing area, will be considered catch of a "prohibited species" and will be treated in accordance with this paragraph.

(f) *Halibut.* (1) *Gear closures.* (i) Trawl gear. If during the year, the Regional Director determines that the catch of halibut by vessels using trawl gear and delivering their catch to foreign vessels (JVP vessels) or vessels using trawl gear and delivering their catch to U.S. fish processors or processing their catch on board (DAP vessels) will reach their proportional share of halibut provided for under paragraph (f)(2) or (f)(3) of this section, the Regional Director will publish a notice in the Federal Register prohibiting fishing with trawl gear other than pelagic trawl gear for the rest of the year by DAP or JVP vessels in the area to which the PSC limit applies.

(ii) Hook-and-line and pot gear. If during the year, the Regional Director determines that the catch of halibut by vessels using hook-and-line or pot gear and delivering their catch to foreign vessels (JVP vessels) or vessels using hook-and-line or pot gear and delivering their catch to U.S. fish processors or processing their catch on board (DAP vessels) will reach their proportional share of halibut provided for under paragraph (f)(2) or (f)(3) of this section, the Regional Director will publish a notice in the Federal Register prohibiting fishing with hook-and-line or pot gear for the rest of the year by DAP or JVP vessels in the area to which the PSC limit applies.

(2)(i) As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the Federal Register specifying the proposed halibut PSC limits for JVP vessels and DAP vessels. Each halibut PSC may be apportioned among the regulatory areas and districts of the Gulf of Alaska. Public comments on the proposed halibut PSC limits will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. The Secretary will consider timely comments in determining, after consultation with the Council, the final halibut PSC limits for the next year. A notice of these final halibut PSC limits will be published in the Federal Register as soon as practicable after December 15 and will also be made available to the public by the Regional Director through other suitable means.

(ii) The Secretary will base the annual halibut PSC limits upon the following types of information:

(A) Estimated halibut bycatch in prior years;

(B) Expected changes in groundfish catch;

(C) Expected changes in groundfish biomass;

(D) Current estimates of halibut biomass and stock condition;

(E) Potential impacts of expected fishing for groundfish on halibut stocks and U.S. halibut fisheries;

(F) The methods available for and costs of reducing halibut bycatches in groundfish fisheries; and

(G) Other biological and socioeconomic information that affects the consistency of halibut PSC limits with the objectives of this part.

(iii) The Secretary may, by notice in the Federal Register, change the halibut PSC limits during the year for which they were specified, based on new information of the types set forth in paragraph (f)(2)(ii) of this section.

(iv) When the JVP or DAP vessels to which a halibut PSC limit applies have caught an amount of halibut equal to that PSC, the Regional Director may, by notice in the Federal Register, allow some or all of those vessels to continue to fish for groundfish using bottom-trawl gear under specified conditions, subject to the other provisions of this part. In authorizing and conditioning such continued fishing with bottom-trawl gear, the Regional Director will take into account the following considerations, and issue relevant findings:

(A) The risk of biological harm to halibut stocks and of socioeconomic harm to authorized halibut users posed by continued bottom trawling by these vessels;

(B) The extent to which these vessels have avoided incidental halibut catches up to that point in the year;

(C) The confidence of the Regional Director in the accuracy of the estimates of incidential halibut catches by these vessels up to that point in the year;

(D) Whether observer coverage of these vessels is sufficient to assure adherence to the prescribed conditions and to alert the Regional Director to increases in their incidental halibut catches; and

(E) The enforcement record of owners and operators of these vessels, and the confidence of the Regional Director that adherence to the prescribed conditions can be assured in light of available enforcement resources.

(g) *Standards for directed fishing.*—(1) *Using trawl gear for sablefish.* The operator of a vessel is engaged in the directed fishing for sablefish if he retains at any particular time during a trip sablefish caught using trawl gear in an amount equal to or greater than:

(i) 15 percent of the aggregate amount of deepwater flatfish species, including Dover sole, rex sole, and flathead sole, and rockfish species of the genera *Sebastes* and *Sebastolobus* retained at the same time by the vessel during the same trip; plus

(ii) 5 percent of the total amount of all fish species not identified under paragraph (g)(1)(i) of this section retained at the same time by the vessel during the same trip.

(2) *Using hook-and-line gear for sablefish.* The operator of a vessel is engaged in the directed fishing for sablefish if he retains at any particular time during a trip sablefish caught using hook-and-line gear in an amount equal to or greater than 4 percent of the total amount of all other fish species retained at the same time by the vessel during the same trip.

(3) *Other.* Except as provided under paragraphs (g)(1) and (2) of this section, the operator of a vessel is engaged in the directed fishing for a specific species or species group if he retains at any particular time during a trip that species or species group in an amount equal to or greater than 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip.

(h) *Directed fishing—calculations and determinations.*—(1) *Calculations.* In making any determination concerning directed fishing, the amount or percentage of any species, species group or any fish or fish products will be calculated in round weight equivalents.

(2) *Trip.* For purposes of this paragraph, a vessel is engaged in a single fishing trip:

(i) From the commencement of or the continuation of fishing for any groundfish other than sablefish, after the effective date of a notice under paragraph (c)(2) of this section prohibiting directed fishing, until any offload or transfer of any fish or fish product from that vessel or until the vessel leaves the regulatory area where fishing activities commenced, whichever occurs first.

(ii) From the commencement of or continuation of fishing for sablefish after the effective date of a notice under paragraph (c)(2) of this section prohibiting directed fishing until any offload or transfer of any fish or fish product from that vessel or until the vessel leaves the regulatory area or district where fishing activities commenced, whichever occurs first.

[45 FR 73487, Nov. 5, 1980, as amended at 52 FR 7873, Mar. 13, 1987; 53 FR 7760, 7762, Mar. 10, 1988; 54 FR 50401, Dec. 6, 1989; 55 FR 32, Jan. 2, 1990; 55 FR 9891, Mar. 16, 1990]

EFFECTIVE DATE NOTES: 1. In § 672.20 paragraph (f)(2) was suspended, and paragraph (f)(3) was added, effective from January 1, 1990 through December 31, 1990. (See 54 FR 50401, Dec. 6, 1989.)

2. At 55 FR 33720, Aug. 17, 1990, an emergency interim rule was issued amending § 672.20 by suspending paragraphs (f)(1)(ii) and (f)(3)(ii) and adding paragraphs (f)(1)(iii) and (f)(3)(iv), effective from August 13, 1990 through November 10, 1990.

For the convenience of the user, paragraphs (f)(1)(iii) and (f)(3) appear below.

§ 672.20 General limitations.

* * * * *

(f) * * *

(1) * * *

(iii) *Hook-and-line gear.* If during the year, the Regional Director determines that the catch of halibut by vessels using hook-and-line gear in directed fisheries for groundfish, other than directed fisheries for demersal shelf rockfish in the Southeast District, will result in mortality of 750 mt of halibut provided by paragraph (f)(3) of this section, the Regional Director will publish a notice in the FEDERAL REGISTER prohibiting directed fishing for groundfish, other than demersal shelf rockfish in the Southeast Outside District, with hook-and-line gear for the remainder of the year in the Gulf of Alaska.

* * * * *

(3) Pacific halibut PSC limits. (i) A PSC limit of 2,000 mt of Pacific halibut for trawl gear is established.

(ii) A PSC limit of 750 mt of Pacific halibut for hook-and-line and pot gear, combined, is established.

(iii) The Pacific halibut PSC limits established for trawl gear and for hook and line and pot gear are allocated to DAP and to JVP in proportion to the specified DAP and JVP amounts of groundfish apportionment.

(iv) A PSC mortality limit of 750 m.t. of Pacific halibut for hook-and-line gear is established.

§ 672.21 [Reserved]

§ 672.22 Inseason adjustments.

(a) *General.* (1) Inseason adjustments issued by the Secretary under this paragraph include:

(i) The closure, extension, or opening of a season in all or part of a management area;

(ii) Modification of the allowable gear to be used in all or part of a management area; and

(iii) The adjustment of TAC and PSC limits.

(2) *Determinations.* (i) Any inseason adjustment under this paragraph must be based upon a determination th such adjustments are necessary to pr vent;

(A) The overfishing of any species c stock of fish or shellfish; or

(B) The harvest of a TAC for an groundfish species or the taking of PSC limit for any prohibited specie which on the basis of the best avail able scientific information is found b the Secretary to be incorrectly speci fied; or

(C) The underharvest of a TAC o gear share of a TAC for any ground fish species when catch informatio indicates that the TAC or gear share has not been reached.

(ii) The selection of the appropriate inseason management adjustments under paragraphs (a)(1)(i) and (a)(1)(ii) of this section must be from the following authorized management measures and must be based upon a determination by the Regional Director that the management adjustment selected is the least restrictive necessary to achieve the purpose of the adjustment:

(A) Any gear modification that would protect the species in need of conservation, but which would still allow other fisheries to continue; or

(B) An inseason adjustment which would allow other fisheries to continue in noncritical areas and time periods; or

(C) Closure of a management area and season to all groundfish fishing; or

(D) Reopening of a management area or season to achieve the TAC or gear share of a TAC for any of the target species or the "other species" category.

(iii) The adjustment of a TAC or PSC limit for any species under paragraph (a)(1)(iii) of this section must be based upon a determination by the Regional Director that the adjustment is based upon the best available scientific information concerning the biological stock status of the species in question and that the currently specified TAC or PSC limit is incorrect. Any adjustment to a TAC or PSC limit must be reasonably related to the change in biological stock status.

(3) *Data.* All information relevant to one or more of the following factors

may be considered in making the determinations required under paragraph (a)((2) of this section;

(i) The effect of overall fishing effort within a regulatory area;

(ii) Catch per unit of effort and rate of harvest;

(iii) Relative abundance of stocks within the area;

(iv) The condition of the stock within all or part of a regulatory area;

(v) Economic impacts on fishing businesses being affected; or

(vi) Any other factor relevant to the conservation and management of groundfish species for which a TAC has been specified or incidentally caught species which are designated as prohibited species or for which a PSC limit has been specified.

(b) *Procedure.* (1) No inseason adjustment issued under this section will take effect until;

(i) The Secretary has filed the proposed adjustment for public inspection with the Office of the Federal Register, and

(ii) The Secretary has published the proposed adjustment in the FEDERAL REGISTER for public comment for a period of thirty (30) days before it is made final, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(2) If the Secretary decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, the adjustment will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(3) During any such 15-day period, the Regional Director will make available for public inspection, during business hours, the aggregate data upon which an adjustment was based.

(4) If written comments are received during any such 15-day period which oppose or protest an inseason adjustment issued under this section, the Secretary will reconsider the necessity for the adjustment and, as soon as practicable after that reconsideration, will either;

(i) Publish in the FEDERAL REGISTER a notice of continued effectiveness of the adjustment, responding to comments received; or

(ii) Modify or rescind the adjustment.

(5) Notices of inseason adjustments issued by the Secretary under paragraph (a) of this section will include the following information;

(i) A description of the management adjustment;

(ii) The reasons for the adjustment and the determinations required under paragraph (a)(2) of this section; and

(iii) The effective date and any termination date of such adjustment. If no termination date is specified, the adjustment will terminate on the last day of the fishing year.

(c) *Prohibition.* Any fishing contrary to a notice issued under this section is prohibited.

[45 FR 73487, Nov. 5, 1980, as amended at 52 FR 7875, Mar. 13, 1987; 53 FR 7762, Mar. 10, 1988; 55 FR 33, Jan. 2, 1990]

§ 672.23 Seasons.

(a) Fishing for groundfish in the regulatory areas and districts of the Gulf of Alaska is authorized from 00:01 a.m. Alaska local time, January 1, through 12:00 midnight Alaska local time, December 31, subject to other provisions of this part, except as provided in paragraphs (b) and (c) of this section.

(b) The time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 12:00 noon Alaska local time.

(c) Directed fishing for sablefish with hook-and-line gear in the regulatory areas and districts of the Gulf of Alaska is authorized from April 1 through December 31, subject to the other provisions of this part.

[55 FR 33, Jan. 2, 1990]

§ 672.24 Gear limitations.

(a) *Marking of gear.* (1) All longline marker buoys carried aboard or used by any vessel regulated under this part shall be marked with at least one of the following:

(i) The vessel's name; and

(ii) The vessel's Federal permit number; or

(iii) The vessel's registration number.

(2) Markings shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water line and shall be maintained in good condition.

(b) *Gear restrictions and allocations*—(1) *Eastern Area.* No person may use any gear other than hook-and-line and trawl gear when fishing for sablefish in the Eastern Area. No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish. When vessels using trawl gear have harvested 5 percent of the TAC for sablefish during any year, further trawl catches of sablefish must be treated as prohibited species as provided by paragraph (b)(3)(ii) of this section. Vessels using gear types other than those specified above in the Eastern Regulatory Area must treat any catch of sablefish as a prohibited species.

(2) *Central and Western Areas.* In the Western Area during 1988, hook-and-line gear may be used to take up to 55 percent of the TAC for sablefish; pot gear may be used to take up to 25 percent of that TAC; and trawl gear may be used to take up to 20 percent of that TAC. In the Central Area and beginning with 1989 in the Western Area, hook-and-line gear may be used to take up to 80 percent of the stablefish TAC in each area and trawl gear may be used to take up to 20 percent of that TAC. Vessels using gear types other than hook-and-line and trawl in the Central Regulatory Area, and vessels using gear types other than hook-and-line and trawl gear in the Western Regulatory Area after 1988, must treat any catch of sablefish in these areas as a prohibited species.

(3) *Sablefish bycatch amounts.* (i) When the Regional Director determines that the share of the sablefish TAC assigned to any type of gear for any year and any area or district under this paragraph may be taken before the end of that year, the Secretary, in order to provide adequate bycatch amounts to ensure continued groundfish fishing activity by that gear group, will, by notice in the Federal Register, prohibit directed fishing for sablefish by persons using that type of gear for the remainder of that year.

(ii) If the share of the sablefish TAC assigned to any type of gear for any year and any area or district under this paragraph is reached, further catches of sablefish must be treated as a prohibited species by persons using that type of gear for the remainder of that year.

(c) *Trawls other than pelagic trawls.* (1) No person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type I) from a vessel having any trawl other than a pelagic trawl either attached or on board:

(i) *Alitak Flats and Towers Areas:* All water of Alitak Flats and the Towers Areas enclosed by a line connecting the following seven points in the order listed:

Reference point	N. lat.	W. long.	Land description
a	56°59'4''	154°31'1''	Low Cape.
b	57°00'0''	155°00'0''	
c	56°17'0''	155°00'0''	
d	56°17'0''	153°52'0''	
e	56°33'5''	153°52'0''	Cape Sitkinak.
f	56°54'5''	153°32'5''	East point of Twoheaded Island.
g	56°56'0''	153°35'5''	Kodiak Island, thence along the coastline of Kodiak Island until intersection of
a	56°59'4''	154°31'1''	Low Cape.

(ii) *Marmot Flats Area:* All water enclosed by a line connecting the following five points in the clockwise order listed:

Reference point	N. lat.	W. long.	Land description
a	58°00'0''	152°30'0''	
b	58°07'0''	151°47'0''	
c	57°37'0''	151°47'0''	
d	57°37'0''	152°10'1''	Cape Chiniak, thence along the coastline of Kodiak Island to
e	57°54'5''	152°30'0''	North Cape.
a	58°00'0''	152°30'0''	

(2) From February 15 to June 15, no person may trawl in waters of the EEZ within the following areas in the vicinity of Kodiak Island (see Figure 2, Area Type II) from a vessel having

any trawl other than a pelagic trawl either attached or on board:

(i) *Chirikof Island Area:* All waters surrounding Chirikof Island enclosed by a line connecting the following four points in the counter clockwise order listed:

Reference point	N. lat.	W. long.
a	56°07'0"	155°13'0"
b	56°07'0"	156°00'0"
c	55°41'0"	156°00'0"
d	55°41'0"	155°13'0"
a	56°07'0"	155°13'0"

(ii) *Barnabas Area:* All waters enclosed by a line connecting the following six points in the counter clockwise order listed:

Reference point	N. lat.	W. long.	Land description
a	57°00'0"	153°18'0"	Black Point.
b	56°56'0"	153°09'0"	
c	57°22'0"	152°18'5"	South Tip of Ugak Island.
d	57°23'5"	152°17'5"	North Tip of Ugak Island.
e	57°25'3"	152°20'0"	Narrow Cape, thence, along the coastline of Kodiak Island to
f	57°04'2"	153°30'0"	Cape Kasick to
a	57°00'0"	153°18'0"	Black Point, incl. inshore waters.

(3) Each person using a trawl to fish in any area limited to pelagic trawling under paragraph (c)(1) and (c)(2) of this section must maintain in working order on that trawl a properly functioning, recording net-sonde device, and must retain all net-sonde recordings aboard the fishing vessel during the fishing year.

(4) No person using a trawl to fish in any area limited to pelagic trawling under paragraphs (c)(1) and (c)(2) of this section may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sonde device.

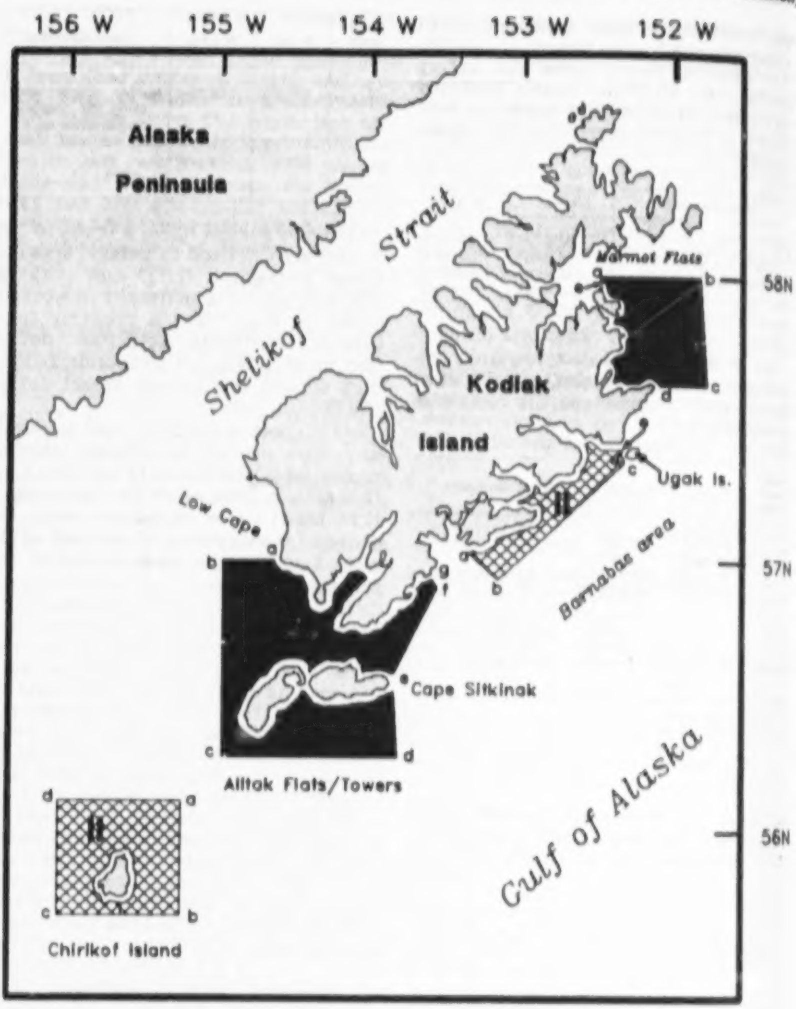

156 W
155 W
154 W
153 W
152 W
Alaska
Peninsula
Shelikof
Strait
Marmot Flats
58N
Kodiak
Island
Ugak Is.
Low Cape
Barnabas area
57N
Cape Sitkinak
Alitak Flats/Towers
56N
Gulf of Alaska
Chirikof Island
II
a
b
c
d
f
g

Figure 2. Areas around Kodiak Island closed to trawling except with pelagic trawls. TYPE I areas are closed year round. TYPE II areas are closed February 15 to June 15.
See section 672.24, Gear Limitations, for coordinate descriptions.

[45 FR 73487, Nov. 5, 1981, as amended at 50 FR 43202, Oct. 24, 1985; 52 FR 7876, Mar. 13, 1987; 52 FR 12183, Apr. 15, 1987; 53 FR 6650, Mar. 2, 1988; 53 FR 7762, Mar. 10, 1988; 54 FR 50401, Dec. 6, 1989; 55 FR 33, Jan. 2, 1990]

EFFECTIVE DATE NOTES: 1. At 54 FR 50401, Dec. 6, 1989, § 672.24 was amended by revising paragraph (c). Paragraph (c) remains in effect through December 31, 1992.

2. At 55 FR 33721, Aug. 17, 1990, an emergency interim rule was issued amending § 672.24 by revising the section heading, redesignating paragraphs (b) and (c) as paragraphs (c) and (d), and adding a new paragraph (b), effective from August 14, 1990 through November 10, 1990. For the convenience of the user, paragraph (b) of the emergency interim rule appears below.

§ 672.24 Gear allocations.

* * * * *

(b) *Gear restrictions.* All pots used in directed fishing for groundfish must have rigid tunnel openings that are no wider than 9 inches and no higher than 9 inches, or soft tunnel openings that are no wider than 9 inches in diameter.

§ 672.25 Disposal of fishing gear and other articles. [Reserved]

§ 672.26 [Reserved]

§ 672.27 Observers.

(a) *Observer Plan.* The operator of a fishing vessel subject to this part, and the manager of a shoreside processing facility that receives groundfish from vessels subject to this part, must comply with the Observer Plan. The owner of a fishing vessel subject to this part or a shoreside processing facility that received groundfish from vessels subject to this part must ensure that the operator or manager complies with the Observer Plan and is jointly and severally liable for compliance with that plan. The Observer Plan has been prepared by the Secretary in consultation with the council for purposes of providing data useful in management of the groundfish fishery.

(b) *Purpose.* The purpose of this section is to allow observers to collect Alaska fisheries data deemed by the Regional Director to be necessary and appropriate for research, management, and compliance monitoring of the groundfish fisheries, or for other purposes consistent with the Marine Mammal Protection Act, as amended.

(c) *General requirements.*—(1) *Compliance by vessels.* An operator of a vessel subject to this part must carry an observer on board the vessel whenever fishing or processing operations are conducted, if the operator is required to do so by the Regional Director.

(2) *Compliance by shoreside processing facilities.* A manager of a shoreside facility that receives groundfish from vessels regulated under this part must have an observer present at the facility whenever groundfish is received, if the manager is required to do so by the Regional Director.

(d) *Responsibilities.* (1) An operator of a vessel must:

(i) Provide, at no cost to the observer or the United States, accommodations on a participating vessel for the observer which are equivalent to those provided for crew members of the participating vessel;

(ii) Maintain safe conditions on the vessel for the protection of the observer during the time the observer is on board the vessel, by adhering to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel and by keeping on board the vessel:

(A) Adequate fire fighting equipment;

(B) One or more life rafts capable of holding all persons on board; and

(C) Other equipment required by regulations pertaining to safe operation of the vessel.

(iii) Allow the observer to use the vessel's communication equipment and personnel on request for the transmission and receipt of messages;

(iv) Allow the observer access to and the use of the vessel's navigation equipment and personnel on request to determine the vessel's position;

(v) Allow the observer free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds and any other space which may be used to hold, process, weigh, or store fish or fish products at any time;

(vi) Notify the observer at least 15 minutes before fish are brought on board or fish and fish products are transferred from the vessel to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified;

(vii) Allow the observer to inspect and copy the vessel's daily fishing logbook, daily cumulative production logbook, transfer logbook, and any other logbook or document required by regulations, information from which will be kept confidential by the observer under Federal guidelines;

(viii) Provide all other reasonable assistance to enable the observer to carry out his or her duties;

(ix) Move the vessel to such places and at such times as may be designated by the contractor, as instructed by the Regional Director, for purposes of embarking and debarking the observer;

(x) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of the observer involved;

(xi) Notify the observer at least three hours before an observer is transferred so the observer can collect personal belongings, equipment, and scientific samples;

(xii) Provide a safe pilot ladder and conduct the transfer to ensure the safety of the observer during the transfer; and

(xiii) Provide an experienced crew member to assist the observer in the small boat or raft in which the transfer is made.

(2) A manager of a shoreside processing facility must:

(i) Maintain safe conditions at the processing facility for the protection of the observer by adhering to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of the processing facility;

(ii) Accept and provide for an observer, at no cost to the observer or the United States, for purposes of complying with the Observer Plan;

(iii) Notify the observer on a daily basis of the planned facility operations and expected receipt of groundfish.

(iv) Allow the observer to use the processing facility's communication equipment and personnel on request for the transmission and receipt of messages;

(v) Allow the observer free and unobstructed access to the processing facility's holding bins, processing areas, freezer spaces, weight scales, warehouses and any other space whic may be used to hold, process, weigh, o store fish or fish products at any time

(vi) Allow the observer to inspec and copy the shoreside processing facility's daily cumulative productio logbook, transfer logbook, and any logbook or document required by regulations, information from which will b kept confidential by the observe under Federal guidelines; and

(vii) Provide all other reasonable assistance to enable the observer t carry out his or her duties.

(e) *Prohibited actions.* No perso may:

(1) Forcibly assault, resist, oppose impede, intimidate, or interfere wit an observer;

(2) Interfere with or bias the sampling procedure employed by an observer, including sorting or discardin any catch before sampling; or tampe with, destroy, or discard an observer' collected samples, equipment, records photographic film, papers, or persona effects without the express consent o the observer;

(3) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer' duties; or

(4) Harass an observer by conduc which has sexual connotations, ha the purpose or effect of interferin with the observer's work performance or otherwise creates an intimidating hostile, or offensive environment. I determining whether conduct constitutes harassment, the totality of th circumstances, including the nature o the conduct and the context in whic it occurred, will be considered. The determination of the legality of a particular action will be made from th facts on a case-by-case basis.

[55 FR 4846, Feb. 12, 1990]

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

Subpart A—General

Sec.
674.1 Purpose and scope.
674.2 Definitions.
674.3 Relation to other laws.
674.4 Permits.
674.5 Recordkeeping and reporting.
674.6 [Reserved]
674.7 Prohibitions.
674.8 Facilitation of enforcement.
674.9 Penalties.

Subpart B—Management Measures

674.20 General.
674.21 Time and area limitations.
674.22 Catch limitations.
674.23 Modifications of time and area limitations.
674.24 Gear restrictions.

AUTHORITY: 16 U.S.C. 3631 *et seq.*; 16 U.S.C. 1801 *et seq.*

Subpart A—General

§ 674.1 Purpose and scope.

(a) The purpose of this part is to implement the fishery management plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude. The FMP was developed by the North Pacific Fishery Management Council under the Magnuson Act.

(b) This part governs fishing for salmon by fishing vessels of the United States in the EEZ seaward of Alaska east of 175° E. longitude. All provisions of this part shall remain in effect until modified, revoked, or superseded.

[46 FR 33047, June 26, 1981 and 46 FR 57302, Nov. 23, 1981, as amended at 53 FR 24659, June 29, 1988]

§ 674.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

ADF&G means the Alaska Department of Fish and Game.

Commercial fishing means fishing for fish for sale or barter.

Hand troll gear means one or more lines with lures or hooks attached, drawn through the water behind a moving vessel, and retrieved by hand or hand-cranked reels or gurdies and not by any electrically, hydraulically, or mechanically-powered device or attachment.

Management area means the two areas described below:

(a) *West Area* means the waters of the EEZ seaward of Alaska between 175° E. longitude and 143°53′36″ W. longitude (Cape Suckling);

(b) *East Area* means the waters of the EEZ seaward of Alaska east of 143°53′36″ W. longitude.

Optimum yield means that amount of any species of salmon which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the FMP.

Personal use fishing means fishing other than commercial fishing.

Power troll gear means one or more lines, with hooks or lures attached, drawn through the water behind a moving vessel, and originating from a power gurdy or power-driven spool fastened to the vessel, the extension or retraction of which is directly to the gurdy or spool.

Regional Director means the Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, telephone 907-586-7221, or an individual to whom the Regional Director has delegated appropriate authority.

Salmon means the following species:

Chinook (or king) salmon (*Oncorhynchus tshawytscha*);
Coho (or silver) salmon (*O. kisutch*);
Pink (or humpback) salmon (*O. gorbuscha*);
Sockeye (or red) salmon (*O. nerka*); and
Chum (or dog) salmon (*O. keta*).

[46 FR 33047, June 26, 1981 and 46 FR 57302, Nov. 23, 1981, as amended at 53 FR 24655, 24660, June 29, 1988]

§ 674.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b), (c), and (d) of this section.

(b) For regulations concerning fishing for groundfish in the Gulf of Alaska, see part 672 of this chapter.

(c) This part 674 does not apply to fishing for salmom by vessels other than vessels of the United States con-

best copy available

ducted under the North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1035, part 661 of this chapter concerns fishing for salmon seaward of Washington, Oregon, and California.

(d) This part 674 will be administered in close coordination with ADF&G's administration for the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. Because no commercial fishing for salmon is permitted in the EEZ west of Cape Suckling, all commercial salmon fishing west of Cape Suckling will take place in the territorial sea and be subject to Alaska's management authority.

[53 FR 24659, June 29, 1988]

§ 674.4 Permits.

(a) *General*—(1) *Commercial fishing using power troll gear.* Commercial fishing for salmon in the management area using power troll gear may be engaged in by any operator of a fishing vessel who:

(i) Held a valid State of Alaska power troll permanent entry permit on May 15, 1979, or is a transferee under paragraph (c) of this section of an operator who held such a permit on that date;

(ii) Held a valid State of Alaska power troll interim use permit on May 15, 1979; or

(iii) Holds a permit issued by the Regional Director under paragraph (b) of this section.

(2) [Reserved]

(3) *Personal use fishing.* Personal use fishing in the management area may be engaged in by any person who at the time of such fishing holds a valid State of Alaska sport fishing license.

(4) No person may engage in power trolling for salmon in the management area unless that person is described in paragraph (a)(1) of this section; except that no permit is required of a crew member or other person assisting in commercial salmon fishing operations if a person described in paragraph (a)(1) of this section is on board the same fishing vessel and engaged in commercial fishing. No person may engage in personal use fishing for salmon in the management area unless
that person is described in parag
(a)(3) of this section.

(5) The authority to engage in
ing for salmon in the manage
area that is granted by this parag
(a) constitutes a use privilege
may be revoked or modified wi
compensation.

(b) *Permits issued by the Reg*
Director—(1) *Eligibility.* (i) Exce
provided in paragraph (b)(1)(ii) o
section, any person is eligible
permit described in parag
(a)(1)(iii) of this section if that pe
during any one of the calendar
1975, 1976, or 1977:

(A) Operated a fishing vessel i
management area; (B) engaged in
mercial fishing for salmon in the
agement area; (C) caught salmo
the management area using p
troll gear; and (D) landed
salmon.

(ii) The following persons are no
gible: (A) Persons described in
graph (a)(1)(i) or (a)(1)(ii) of this
tion; (B) persons who once held b
longer hold a State of Alaska p
troll permanent entry or interi
permit; and (C) persons already
ing a permit under this paragraph

(2) *Application.* (i) Each appli
for a permit under this parag
shall submit a written applicatio
the Regional Director at least 30
prior to the date on which the a
cant desires to have the permit
effective.

(ii) Each applicant shall provide
following information:

(A) The applicant's name, ma
address, and telephone number;
the name of the fishing vessel; (C)
fishing vessel's United States C
Guard documentation number
State registration number; (D)
home port of the fishing vessel;
the length and registered tonnag
the fishing vessel; (F) the color of
fishing vessel; (G) the type of fis
gear used by the fishing vessel;
(H) the signature of the applicant.

(iii) The information required
paragraphs (b)(2)(ii)(A) through
shall be provided for each vessel w
the applicant intends to use for
mercial fishing under this part.
changes in such information occu
after a permit is issued shall be rep

ed to the Regional Director within 30 days of that change.

(iv) Each applicant shall submit State fish tickets or other equivalent documents showing the actual landing of salmon taken in the management area by the applicant with power troll gear during any one of the years 1975 to 1977.

(3) *Issuance.* (i) Except as provided in subpart D of 15 CFR part 904, upon receipt of a properly completed application and any document required under paragraph (b)(2)(iv) of this section, the Regional Director will promptly determine whether permit eligibility conditions have been met, and if so, will issue a permit. If the permit is denied, the Regional Director will notify the applicant in accordance with paragraph (d) of this section.

(ii) If an incomplete or improperly completed permit application is filed, or if any document required under paragraph (b)(2)(iv) of this section has not been filed, the Regional Director shall promptly notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of receipt of notification, the application shall be considered abandoned.

(4) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit that has been altered, erased, or mutilated shall be invalid.

(5) *Replacement.* Replacement permits may be issued to replace lost or unintentionally mutilated permits. An application for a replacement permit shall not be considered a new application.

(6) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(c) *Transfer of authority to fish for salmon in the management area*—(1) *Holders of State of Alaska power troll permanent entry permits.* (i) The authority of any person described in paragraph (a)(1)(i) of this section to engage in commercial fishing for salmon using power troll gear in the management area shall expire upon the transfer of that person's State of Alaska power troll permanent entry permit to another and shall be transferred to the new holder of that permit.

(ii) Any person to whom transfer of a State of Alaska power troll permanent entry permit is denied by the State of Alaska may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area. The Regional Director shall approve the transfer if it is determined that the applicant had the ability to participate actively in the fishery at the time the application for transfer of the permit was filed with the State of Alaska; that the applicant has access to power troll gear necessary for participation in the fishery; that the State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained; and that the proposed transfer of the permit is not a lease. The application shall be filed with the Regional Director within thirty days of the denial by the State of Alaska of transfer of the permit. The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed transfer of the permit and a copy of the State of Alaska's decision denying the transfer of the permit. The Regional Director may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application. Upon approval of the application by the Regional Director, the authority of the permit holder to engage in commercial fishing for salmon in the management area using power troll gear shall expire, and that authority shall be transferred to the applicant.

(2) *Other permits.* Except as provided in paragraph (c)(3) of this section, the authority of any person described in paragraph (a)(1)(ii), (a)(1)(iii), or (a)(3) of this section to fish for salmon in the management area may not be transferred to any other person. Except for emergency transfers, the authority to engage in commercial fishing for salmon which was transferred under paragraph (c)(1)(ii) of this section may not be transferred to

any other person except the current holder of the State of Alaska power troll permanent entry permit from which that authority was originally derived. That authority may be transferred to the current holder of that permit upon receipt of written notification of the transfer by the Regional Director, from which time the transferee under paragraph (c)(1)(ii) of this section shall no longer be authorized to engage in commercial fishing for salmon using power troll gear in the management area.

(3) *Emergency transfers—authority to use power troll gear.* The authority of any person described in paragraph (a)(1) of this section to engage in commercial fishing for salmon using power troll gear in the management area may be transferred to another for a period not lasting beyond the end of the calendar year of the transfer when sickness, injury, or other unavoidable hardship prevents the holder of that authority from engaging in such fishing. Such a transfer shall take effect automatically upon approval by the State of Alaska of an emergency transfer of a State of Alaska power troll entry permit, in accordance with the terms of the permit transfer. Any person to whom emergency transfer of a State of Alaska power troll entry permit is denied by the State of Alaska and any person desiring to obtain emergency transfer of a Federal commercial power troll permit previously issued by the Regional Director may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area for a period not lasting beyond the calendar year of the proposed transfer. The Regional Director shall approve the transfer if he determines that sickness, injury, or other unavoidable hardship prevents the current permit holder from engaging in such fishing; that the applicant had the ability to participate actively in the fishery at the time the application for emergency transfer of the permit was filed with the State of Alaska or, in the case of a Federal permit, with the Regional Director;
that the applicant has access t
troll gear necessary for parti
in the fishery; and that the S
Alaska has not instituted proc
to revoke the permit on the
that it was fraudulently obtain
application in the case of a S
Alaska permit shall be filed w
Regional Director within thir
of the denial by the State of A
emergency transfer of the perm
application shall include al
ments and other evidence subm
the State of Alaska in support
proposed emergency transfer
permit and a copy of the State
ka's decision denying the em
transfer of the permit. The R
Director may request additiona
mation from the applicant or fr
State of Alaska to assist in the
eration of the application. Up
proval of the application by t
gional Director, the authority
permit holder to engage in com
fishing for salmon using pow
gear in the management are
expire for the period of the em
transfer, and that authority s
transferred to the applicant f
period.

(d) *Appeals and hearings.* (1)
sion by the Regional Director:
deny a permit under par
(b)(3)(i) of this section; or (ii) t
transfer of authority to eng
commercial fishing for salmon
management area under paragr
of this section, shall be in w
shall state the facts and reasons
for, and shall advise the applic
the rights provided in this par
(d).

(2) Any such decision of the R
al Director shall be final thirt
after receipt by the applicant,
an appeal is filed with the As
Administrator within that time
ure to file a timely appeal shall
tute waiver of the appeal. (A
Assistant Administrator, N
Marine Fisheries Service, Roo
Page 2 Building, 3300 White
Street, NW., Washington, DC
Appeals under this paragraph sh
in writing, shall set forth the r
why the appellant believes th
gional Director's decision was in
and shall include any supportin

or documentation. At the time the appeal is filed with the Assistant Administrator, the appellant may request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time shall constitute a waiver of the hearing. If a request for a hearing is filed, the Assistant Administrator may order a hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant. If the Assistant Administrator orders a hearing, that order shall also serve to appoint a hearing examiner to conduct an informal fact finding inquiry into the matter. Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations. As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this section, the Assistant Administrator shall notify the appellant in writing of the final decision. The notice shall summarize the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be final and unappealable.

(e) *Display.* Any permit or license described in paragraph (a)(1), or (a)(3) of this section shall be on board the vessel at all times while the vessel is in the management area, and shall be displayed for inspection upon request by an authorized officer.

(f) For purposes of this section, the term "person" excludes any nonhuman entity.

[47 FR 57302, Nov. 23, 1981, as amended at 49 FR 1044, Jan. 6, 1984]

§ 674.5 Recordkeeping and reporting.

The operator of any fishing vessel subject to this part whose port of landing is in the United States but outside Alaska, or who sells, transfers, or delivers salmon in the EEZ, must submit a completed Alaska fish ticket, or a completed fish ticket of the State where the salmon are landed which contains all of the information required on an Alaska fish ticket, within one week after the date of each landing, sale, transfer, or delivery to the Director, Division of Commercial Fisheries, Alaska Department of Fish and Game, P.O. Box 3-2000, Juneau, AK 99802.

[49 FR 29612, July 23, 1984, as amended at 53 FR 24656, 24660, June 29, 1988]

§ 674.6 [Reserved]

§ 674.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for, take, or retain any salmon in violation of the Act or this part, including but not limited to the following:

(1) During closed seasons or in closed areas specified in subpart B of this part;

(2) By means of gear or methods prohibited by subpart B of this part;

(3) If such salmon are less than the minimum length specified in subpart B of this part; or

(4) In number exceeding the limit for personal use fishing as specified in subpart B of this part.

(b) Engage in fishing for salmon in the management area except to the extent authorized by § 674.4(a) of this part.

[46 FR 33047, June 26, 1981 and 46 FR 57302, Nov. 23, 1981, as amended at 53 FR 24659, June 29, 1988]

§ 674.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 674.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 674.20 General.

The management measures prescribed in this subpart shall apply to all fishing for salmon in the management area.

[46 FR 33047, June 26, 1981 and 46 FR 57302, Nov. 23, 1981]

§ 674.21 Time and area limitations.

(a) *Commercial fishing*—(1) *West area.* Commercial fishing for salmon is not permitted at any time.

(2) *East area.* Fishing periods in 1990 (Alaska Daylight Time) are as follows:

(i) Chinook salmon—0001 hours on July 1 until the commercial troll fleet reaches its summer troll fishery harvest guideline of 206,900 to 216,900 chinook.

(ii) Salmon species other than chinook—0001 hours July 1 to 2400 hours on September 20.

(b) *Personal use fishing.* Personal use fishing in the east and west areas is permitted at all times.

(c) Fishing times, harvest limits, ar areas prescribed in this section may modified in accordance with sectic 7(a) of the Pacific Salmon Treaty A of 1985 (16 U.S.C. 3636); or und § 674.23 of this part.

[46 FR 33047, June 26, 1981, as amended 50 FR 25248, June 18, 1985; 55 FR 292 July 18, 1990]

§ 674.22 Catch limitations.

(a) *Size restrictions*—(1) *Minimu size limit*—(i) *Chinook salmon.* No ch nook salmon less than 28 inches length with the head on, or less tha 23 inches in length with the head o may be retained. (See figure 1.)

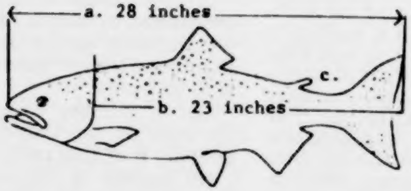


Figure 1. Chinook salmon with lines indicating: (a) the minimum legal length for a whole chinook salmon, (b) the minimum legal length for a chinook salmon with its head removed, and (c) the adipose fin.

(ii) *Other salmon.* There is no minimum size limit for coho, pink, chum or sockeye salmon.

(2) *Method of measurement.* For purposes of paragraph (a)(1)(i) of this section, a salmon with its head on shall be measured in a straight line from the tip of the snout to the midpoint of a straight line between the upper and lower tips of the tail in its natural open position. for the same purposes, a salmon with its head off shall be measured in a straight line from the midpoint of the cleithral (gill) arch to the midpoint of a straight line between the upper and lower tips of the tail i its natural open position. (See figur 1.)

(3) *Mutilation.* No person in th management area shall mutilate o disfigure a chinook salmon in an manner that would interfere with th determination of that salmon's lengt in accordance with paragraphs (a)(and (a)(2) of this section.

(b) *Personal use daily catch limi* No person may catch and retain mor than six (6) salmon during any day fo personal use, and no more than thre (3) of those salmon may be chinoo salmon. No person in the management area may possess more than twelve (12) salmon for personal use, and no more than three (3) of these salmon may be chinook salmon.

(c) *Possession of prohibited salmon species.* When a part of the management area has been closed to fishing for a species of salmon, no person in that part of the management area may possess a salmon of that species while engaged in commercial fishing.

(d) *Landing requirements.* Every salmon satisfying minimum size limits that is caught in the management area which has had its adipose fin removed or clipped (See figure 1) shall be retained and landed with its head on. This salmon shall be made available for retrieval of the coded wire tag by an appropriate official at the port of landing.

[46 FR 33047, June 26, 1981 and 46 FR 57302, Nov. 23, 1981]

§ 674.23 Modifications of time and area limitations.

(a) *Standards governing modifications.* (1) Following consultation with ADF&G, the Secretary may modify the time and area limitations prescribed in § 674.21 of this part by issuing a field order in accordance with paragraph (b) of this section. Any such modification shall be based upon a determination by the Regional Director that:

(i) The condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP; and

(ii) This difference reasonably requires a modification of time or area limitations if salmon of any species are to be adequately conserved and managed. In making this determination, the Regional Director may consider any of the following factors:

(A) The effect of overall fishing effort within any part of the management area;

(B) Catch-per-unit-of-effort and rate of harvest;

(C) Relative abundance of salmon stocks within the management area;

(D) Condition of salmon stocks throughout their ranges; and

(E) Any other factors relevant to the conservation of salmon.

(2) Following consultation with ADF&G, the Secretary shall prohibit fishing for any or all species of salmon in all or part of the management area if such a prohibition is necessary to prevent the total harvest of chinook salmon for the fishing season from exceeding either the maximum amount of the optimum yield or any other value within the optimum yield range for chinook salmon that the Secretary determines to be necessary for the conservation and management of chinook salmon. The Secretary will do this by issuing a field order in accordance with paragraph (b) of this section.

(b) *Field orders.* (1) Any field order issued by the Secretary under this section shall include the following:

(i) A description of the modification of time and area limitations;

(ii) The reasons for the modification; and

(iii) The effective date of the modification.

(2) No field order issued under this section may take effect until:

(i) It has been filed for publication with the FEDERAL REGISTER;

(ii) It has been posted for 48 hours, and otherwise made available to the public, in accordance with procedures customarily used by ADF&G for posting and publicizing similar notices of opening or closure;

(iii) It has been broadcast for 48 hours at those time intervals, channels and frequencies customarily used by ADF&G to broadcast similar notices of opening or closure; and

(iv) The public has been offered the opportunity to comment on the modification for a period of at least thirty (30) days, a final field order responding to any comments received has been published in the FEDERAL REGISTER, and a further waiting period of thirty (30) days has passed, unless the Secretary finds good cause for dispensing with these requirements in accordance with 5 U.S.C. 553.

(3) If the Secretary determines under 5 U.S.C 553 that there is good cause for issuing a field order without affording prior opportunity for public comment, he shall receive and consid-

er public comments for a period of thirty (30) days after the effective date of the field order. During this period, the Regional Director shall make available for public inspection during business hours the aggregate data upon which the modification effected by the field order was based. As soon as practicable after the end of this period, the Secretary shall reconsider the necessity of the modification, and shall publish in the FEDERAL REGISTER either a notice of the continued effectiveness of the field order or an amendment or rescission of the field order in accordance with the standards and procedures prescribed in this section, unless the field order has already expired or has been rescinded.

(4) Any field order issued under this section shall remain in effect until rescinded by the Secretary in accordance with the standards and procedures prescribed in this section, or until any expiration date stated in the field order, whichever is earlier.

[46 FR 33047, June 26, 1981, as amended at 46 FR 57302, Nov. 23, 1981; 48 FR 17359, Apr. 22, 1983; 53 FR 24660, June 29, 1988]

§ 674.24 Gear restrictions.

(a) *Commercial fishing*—(1) Commercial fishing for salmon in the management area may be engaged in only through the use of power troll gear or hand troll gear.

(2) No vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than four (4) lines south of the line segments connecting the following points:

Latitude	Longitude
58°12'45" N.	136°39'30" W. (Cape Spencer)
58°12'45" N.	138°00' W.
58°00' N.	138°00' W.
58°00' N.	143°33'36" W.

North of these line segments, no vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than six (6) lines. No vessel that is equipped for use in commercial fishing for salmon using power troll gear may at any one time while in the management area have more than six (6) gurdies mounted and in operational condition.

(3) No vessel engaged in commercial fishing for salmon in the management area using hand troll gear may at any one time utilize more than two (2) lines and gurdies or four (4) sport rods; and no vessel that is equipped for use in such fishing may at any one time while in the management area have more than two (2) gurdies mounted and in operational condition.

(b) *Personal use fishing.* No person engaged in personal use fishing for salmon in the management area may at any one time utilize more than one (1) line held in the hand or attached to a hand-held or closely attended rod. This line may not at any one time have attached to it more than one (1) artificial lure or two (2) flies or two (2) single hooks.

[46 FR 57302, Nov. 23, 1981, as amended at 48 FR 34965, Aug. 2, 1983]

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Subpart A—General

Sec.

675.1 Purpose and scope.
675.2 Definitions.
675.3 Relation to other laws.
675.4 Permits.
675.5 Recordkeeping and reporting.
675.6 [Reserved]
675.7 Prohibitions.
675.8 Facilitation of enforcement.
675.9 Penalties.

Subpart B—Management Measures

675.20 General limitations.
675.21 Prohibited species catch (PSC) limitations.
675.22 Time and area closures. [Effective through December 31, 1990]
675.23 Seasons.
675.24 Gear limitations.
675.25 Observers.
PART 675, FIGURE 2—STATISTICAL REPORTING AREAS IN THE BS/A1 (AMENDMENT 12A)

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General

§ 675.1 Purpose and scope.

(a) Regulations in this part implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area.

(b) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by fishing vessels other than vessels of the United States, see 50 CFR 611.93.

(c) These regulations implement the Bering Sea and Aleutian Islands groundfish fishery management plan developed by the North Pacific Fishery Management Council.

[46 FR 63307, Dec. 31, 1981, as amended at 54 FR 18524, May 1, 1989]

§ 675.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

ADF&G means the Alaska Department of Fish and Game.

Bering Sea and Aleutian Islands management area means the EEZ in the Bering Sea, and that portion of the EEZ in the North Pacific Ocean that is adjacent to the Aleutian Islands and west of 170°00′ W. longitude.

(a) The Bering Sea subarea of the management area means that portion of the EEZ contained in areas I, II, and III of figure 1.

(b) The Aleutian Islands subarea of the mangement area means that portion of the EEZ contained in area IV of figure 1.

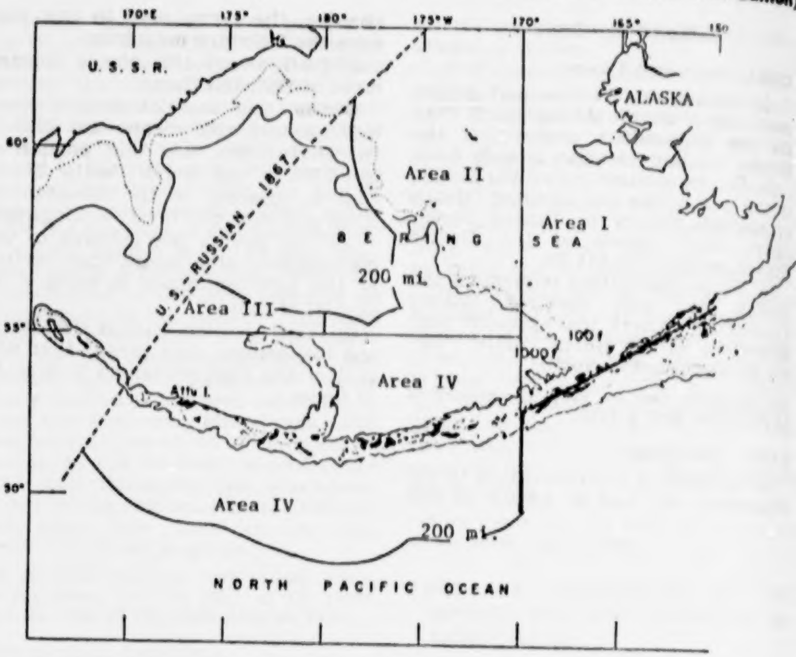


Figure 1. Bering Sea and Aleutian Islands Management Area

(a) Bering Sea sub-area are areas I, II, and III.
(b) Aleutian Islands sub-area is area IV.

Bottom trawl means a trawl in which the ground rope of the net is equipped with bobbins or roller gear.

Daily reporting period or day is the period from midnight until the following midnight using Alaska local time (ALT).

Directed fishing, means any fishing activity which constitutes directed fishing under the standards specified in § 675.20(h) of this part.

Fishery, for the purposes of this part, means all fishing for groundfish which is conducted in the Bering Sea and Aleutian Islands management area and adjacent territorial waters.

(a) The Bering Sea subarea of the fishery means areas I, II, and III of figure 1.

(b) The Aleutian Islands subarea of the fishery means area IV of figure 1.

Fishing year means the period of time beginning at 0901 GMT (0001 Alaska Standard Time) on January 1 and ending at 0900 GMT on January 1 (2400 Alaska Standard Time on December 31).

Fish product weight means the weight of the fish product to the nearest tenth of a metric ton (0.1 mt) based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individually frozen fish. The weight of a production unit is based on the average weight of the product as determined by analyzing representative samples. The weight of the production unit does not include packaging. The weight of the production unit does include water added to the product and other additives reported to NMFS. NMFS may use the weight of the production units, with an allowance for water added not to exceed 5 percent of the weight of the production unit, to determine net weight, and to calculate round weight equivalents.

Groundfish means pollock, cod, any species of flatfish, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, octopus; all other marine invertebrates except shrimp, scallops, snails, king crab, Tanner crab, Dungeness crab, horsehair crab, lyre crab, coral, and clams; and all other finfish except salmonids, Pacific herring, and Pacific halibut. The scientific names of these species are as follows:

Pollock means *Theragra chalcogramma;*
Cod means *Gadus macrocephalus;*
Arrowtooth flounder means *Atheresthes stomias;*
Other flatfish means Pleuronectiformes (order) not specifically defined;
Yellowfin sole means *Limanda aspera;*
Rock sole means *Lepidopsetta bilineata;*
Flathead sole means *Hippoglossoides elassodon;*
Greenland halibut or Greenland turbot means *Reinhardtius hippoglossoides;*
Pacific ocean perch means *Sebastes alutus, S. polyspinus, S. aleutianus, S. borealis,* and *S. Zacentrus;*
Atka mackerel means *Pleurogrammus monopterygius;*
Other rockfish means Scorpaenidae (family) not specifically defined;
Sablefish means *Anoplopoma fimbria;*
Squid means sepioid and teuthoid squid;
Octopus means Octopoda, not specifically defined;
Salmonids means of the family Salmonidae;
Pacific halibut means *Hippoglossus stenolepis;*
Pacific herring means *Clupea harengus pallasi.*

Landing means off-loading fish.

Length overall of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

Longline means a stationary, buoyed, and anchored line with hooks or pots (other than king or Tanner crab pots) attached, or the taking of fish by means of such a device.

Pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it any protective devices, such as rollers or bobbins, that would make it suitable for fishing in contact with the seabed.

Processing, or *to process,* means the preparation of fish to render it suitable for human consumption, industrial uses, or longterm storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil. Heading and gutting, without additional preparation, is not "processing" under this definition.

Processor vessel, unless otherwise restricted, includes any vessel which is used for, equipped to be used for, or of a type which is normally used for processing, including specifically catcher/processor vessels and mothership processor vessels.

Quarterly reporting period or quarter means a three month period; the first quarter is from January 1 through March 31, the second quarter is from April 1 through June 30, the third quarter is from July 1 through September 30, and the fourth quarter is from October 1 through December 31.

Regional Director means Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, or an individual to whom the Regional Director has delegated appropriate authority.

Reporting area means the relevant Bering Sea and Aleutian Islands statistical area and, in addition to the State waters described in the relevant statistical area, all State waters between the shore and any inshore boundary of that statistical area. A reporting area may be described by the same number or numbers used to identify the associated statistical area(s).

Statistical area means any one of the nine statistical areas of the Bering Sea and Aleutian Islands Management Area defined as follows (figure 2):

(a) Statistical Area 511—south of 58°00′ N. latitude and east of 165°00′ W. longitude;

(b) Statistical Area 512—that part of Statistical Area 511 that is south of 58°00′ N. latitude, east of 162°00′ W. longitude and west of 160°00′ W. longitude;

(c) Statistical Area 513—south of 58°00′ N. latitude, west of 165°00′ W. longitude, east of 170°00′ W. longitude, and north of straight lines connecting the following coordinates in the order listed: 55°46′ N. 170°00′ W., 54°30′ N. 167°00′ W., 54°30′ N. 165°00′ W.;

(d) Statistical Area 514—north of 58°00′ N. latitude and east of 170°00′ W. longitude;

(e) Statistical Area 515—south of straight lines connecting the following coordinates in the order listed: 55°46′ N. 170°00′ W., 54°30′ N. 167°00′ W., 54°30′ N. 165°00′ W. and east of 170°00′ W. longitude;

Trawl means a bag-shaped net dragged through the water to capture fish.

Vessel, unless otherwise restricted, includes catcher vessels and processor vessels.

Weekly reporting period means from midnight Sunday morning until midnight of the following Saturday night, Alaska local time (ALT).

[46 FR 63307, Dec. 31, 1981, as amended at 50 FR 46075, Nov. 6, 1985; 52 FR 8600, Mar. 19, 1987; 52 FR 11993, Apr. 14, 1987; 53 FR 24655, 24660, June 29, 1988; 54 FR 18524, May 1, 1989; 54 FR 32649, Aug. 9, 1989; 54 FR 37469, Sept. 11, 1989; 54 FR 50404, Dec. 6, 1989; 55 FR 4847, Feb. 12, 1990; 55 FR 8143, Mar. 7, 1990; 55 FR 9892, Mar. 16, 1990]

EFFECTIVE DATE NOTES: 1. At 54 FR 32649, Aug. 9, 1989, § 675.2 was amended by adding the definitions of *bottom trawl* (which was extended indefinitely at 54 FR 50404, Dec. 6, 1989) and *Bycatch limitation zone 2H*; by revising the definitions of *bycatch limitation zones 1 and 2*; and by amending the definition of *statistical area* by revising the introductory text, redesignating paragraphs (f), (g), (h), and (i) as (h), (i), (j), and (k) respectively, and adding new paragraphs (f) and (g). These changes and revisions are effective through December 31, 1990. (See also correction to § 675.2, published at 54 FR 37469, Sept. 11, 1989.) For the convenience of the user, the amended text appears below:

§ 675.2 Definitions.

* * * * *

Bycatch limitation zone 1 (Zone 1) means that part of the Bering Sea Subarea that is south of 58°00′ N. latitude and east of 165°00′ W. longitude (figure 2).

Bycatch limitation zone 2 (Zone 2) means that part of the Bering Sea Subarea bounded by straight lines connecting the following coordinates in the order listed (figure 2):

North latitude	West longitude
54°30′	165°00′
58°00′	165°00′
58°00′	171°00′
60°00′	171°00′
60°00′	179°20′
59°25′	179°20′
54°30′	167°00′
54°30′	165°00′

Bycatch limitation zone 2H means that part of the Bering Sea Subarea bounded by straight lines connecting the following coordinates (figure 2):

North latitude	West longitude
54°30′	165°00′
56°30′	165°00′
56°30′	170°00′
55°46′	170°00′
54°30′	167°00′
54°30′	165°00′

Statistical area means any one of the eleven statistical areas of the Bering Sea and Aleutian Islands management area defined as follows (figure 2):

* * *

(f) Statistical area 516—that part of Statistical area 511 that is south of 58° N. lat. and between 162° and 163° W. long.;

(g) Statistical area 517—that part of Statistical area 513 that is south of 56°30′ N. lat. and between 165° and 170° W. long.;

(h) Statistical Area 521—that part of Statistical Area 522 bounded by straight lines connecting the following coordinates in the order listed: 55°46′ N. 170°00′ W., 59°25′ N. 179°20′ W., 60°00′ N. 179°20′ W., 60°00′ N. 171°00′ W., 58°00′ N. 171°00′ W., 58°00′ N. 170°00′ W., and 55°46′ N. 170°00′ W.

(i) Statistical Area 522—north of 55°00′ N. latitude, west of 170°00′ W. longitude, and east of 180°00′ longitude;

(j) Statistical Area 530—north of 55°00′ N. latitude, and west of 180°00′ longitude;

Statistical Area 540—south of 55°00′ N.
ude, and west of 170°00′ W. longitude.

At 55 FR 33721, Aug. 17, 1990, an emer-
y interim rule was issued amending
.2 by adding the definitions of *fishing*
and *foot rope* and by revising the defini-
of *pelagic trawl*, effective from August
1990 through November 10, 1990. For
convenience of the user, the emergency
im rule appears below.

2 Definitions.

* * * * *

hing line means a length of chain or
in the bottom front end of a trawl to
h the footrope is attached.

ot rope means a chain or wire rope at-
ed to the bottom front end of a trawl
is attached to the fishing line.

* * * * *

lagic trawl means (a) a trawl which has
ched mesh size openings of at least 1
er, as measured diagonally from knot to
when opposite sides of the mesh are
ght together, starting at the fishing
and extending aft for a distance of at
10 meshes and going around the entire
umference of the trawl, and which web-
is tied to the fishing line with no less
0.3 meter (12 inches) between knots
nd the circumference of the net; or (b)
awl with parallel lines with spaces of at
1 meter, starting at the fishing line
extending aft for a distance of at least
neters and going around the entire cir-
ference of the trawl.

* * * * *

5.3 Relation to other laws.

) The relation of this part to other
s is set forth in § 620.3 of this chap-
and paragraph (b) of this section.

) For regulations governing for-
n fishing for groundfish in the Gulf
Alaska, see 50 CFR part 611.92. For
ulations governing foreign fishing
he Bering Sea and Aleutian Islands
a, see 50 CFR part 611.93. For regu-
ions concerning the conservation of
ibut, see part 301 of this chapter.
r regulations governing fishing for
undfish in the Gulf of Alaska by
sels of the United States, see part
of this chapter; and for those gov-
ing exemption permits and the rec-
lkeeping and reporting of the inci-
ntal take of marine mammals, see 50
R part 216.24 and 50 CFR part 229.

[53 FR 24659, June 29, 1988, as amended at 54 FR 50404, Dec. 6, 1989]

§ 675.4 Permits.

(a) *General.* No vessel of the United States may fish for groundfish in the Bering Sea and Aleutian Islands management area without first obtaining a permit issued under this part. Such permits shall be issued without charge.

(b) *Application.* The vessel permit required under paragraph (a) of this section may be obtained by submitting to the Regional Director a written application containing the following information:

(1) The vessel owner's name, mailing address, and telephone number;

(2) The name of the vessel;

(3) The vessel's U.S. Coast Guard documentation number or State registration number;

(4) The home port of the vessel;

(5) The type of fishing gear to be used;

(6) The length and net tonnage of the vessel;

(7) The hull color of the vessel;

(8) The names of all operators and/or lessees of the vessel;

(9) Whether the vessel is to be used in fish harvesting, in which case the type of fishing gear to be used must be specified; or for support operations, including the receipt of fish from U.S. vessels at sea; and

(10) The signature of applicant.

(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, upon receipt of a properly completed application, the Regional Director will issue a permit required by paragraph (a) of this section.

(2) Upon receipt of an incomplete or improperly completed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(d) *Notification of change.* (1) Except as provided in paragraph (d)(2) of this section, any person who has applied for and received a permit under this section must give written notification of any change in the information provided under paragraph (b) of this section to the Regional Director within 30 days of the date of that change.

(2) A permit issued under this section will authorize either harvesting or support operations, but not both. The notification to the Regional Director under paragraph (d)(1) of this section of a change in the type of operations in which that vessel is to engage must be completed before that vessel begins the new type of operation.

(e) *Duration.* A permit will continue in full force and effect through December 31 of the year for which it was issued, or until it is revoked, suspended, or modified under part 621 (Civil Procedures) of this chapter.

(f) *Alteration.* No person may alter, erase, or mutilate any permit issued under this section. Any such permit that has been intentionally altered, erased, or mutilated will be invalid.

(g) *Transfer.* Permits issued under this section are not transferable or assignable. Each such permit will be valid only for the vessel for which it is issued. The Regional Director must be notified of a change in ownership, pursuant to paragraph (d) of this section.

(h) *Inspection.* Any permit issued under this section must be carried aboard the vessel whenever the vessel is fishing for groundfish in the Bering Sea and Aleutian Islands management area. The permit must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

[46 FR 63307, Dec. 31, 1981, as amended at 49 FR 1044, Jan. 6, 1984; 50 FR 46075, 46076, Nov. 6, 1985]

§ 675.5 Recordkeeping and reporting.

(a) *Applicability and general requirements*—(1) *Applicability.* The operator of a vessel and the manager of a shoreside processing facility are each responsible for compliance with the applicable recordkeeping and reporting requirements of this section. In addition, the owner of the vessel or shoreside processing facility must ensure that the operator or manager complies with these requirements and is jointly and severally responsible for compliance. Except as otherwise provided, this section applies to all vessels required to have a Federal groundfish fishing permit under § 675.4 of this part. Except as otherwise provided, this section applies to all processor vessels and shoreside processing facilities that receive groundfish from vessels regulated under this part. This section applies to any fishing or processing that involves any groundfish species, species group or prohibited species regulated under this part.

(2) *General requirements.* The operators and managers of vessels and shoreside processing facilities must comply with the recordkeeping, reporting, logbook and notice requirements of this section, must maintain timely and accurate records, reports and logbooks required by this section, must maintain all required records, reports and logbooks in a legible manner and in English, and must maintain all required records, reports and logbooks based on Alaska Local Time (ALT). All reporting periods are calculated using ALT.

(3) *Requirement of availability for inspection.* The operator of a vessel and the manager of a shoreside processing facility must make available the original copy of any record, report or logbook required under this section immediately upon the request of an authorized officer or observer at any time during which the record, report or logbook is required to be maintained by the operator or manager.

(4) *Requirements related to submissions.* (i) Records and reports which are required to be submitted to the Alaska Fisheries Science Center must be addressed or delivered to the National Marine Fisheries Service, 7600 Sand Point Way NE Building 4, Seattle, WA 98115.

(ii) Records, reports, and notices which are required to be submitted or provided to the Regional Director must be submitted or provided in the manner specified by the Regional Director.

(b) *Logbooks.* The operator of any catcher vessel 5 net tons or larger, the operator of any processor vessel, and the manager of any shoreside processing facility must comply with the following recordkeeping requirements if that vessel or facility harvests or processes groundfish from any Bering Sea and Aleutian Islands reporting area:

(1) *General*—(i) *Retention of logbook records during the fishing year.* The operator of a vessel must retain the original copy of all logbooks required under this section on board the vessel until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel. The manager of each shoreside processing facility must retain the original copy of all logbooks required under this section within the processing facility until the end of the fishing year and for as long after the end of the fishing year as fish and fish products recorded in the logbook are retained at the processing facility.

(ii) *Prescribed logbooks.* The Regional Director will prescribe and provide logbooks required under this section. The operator of a vessel and the manager of a shoreside processing facility must use these prescribed logbooks.

(iii) *Entries and alterations in logbooks.* The operator or manager must maintain and record information as required by instructions in the logbooks and in accordance with this section. No person may remove any original page of any logbook. Any entry or recording of information which is required to be made in a logbook must be made in indelible ink. No person may alter or change any entry or record in a logbook except that an inaccurate or incorrect entry or record may be corrected by lining out the original and inserting the correction, provided that the original entry or record remains legible.

(2) *Daily fishing logbook.* (i) The operator of a catcher/processor or catcher vessel harvesting groundfish from any Bering Sea and Aleutian Islands reporting area must maintain onboard a daily fishing log of the effort and catch information of the vessel as described in paragraph (b)(2)(ii) of this section. Daily effort entries are required for each day the vessel conducts fishing operations. Daily entries are not required for those days when the fishing vessel stays in port. The operator of a catcher/processor vessel will be provided with a daily fishing logbook that also functions as a daily cumulative production logbook required under paragraph (b)(3) of this section.

(ii) *Daily fishing logbook; contents.* (A) The daily fishing log must record the following effort information on a daily basis:

(*1*) The page number. This number must be consecutive beginning with page one for the first day the vessel conducted any fishing operation after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year. A separate page in the daily fishing logbook must be used for each day's fishing activity. If fishing activity is conducted with more than one gear type or in more than one reporting area, during any day, a separate page in the daily fishing logbook also must be used for each gear type or reporting area.

(*2*) The date.

(*3*) The vessel's name and the ADF&G vessel number.

(*4*) The reporting area where the vessel is conducting fishing activity.

(*5*) The gear type used by the vessel (pelagic trawl, bottom trawl, hook and line, or pot gear).

(*6*) The signature of the operator of the vessel.

(*7*) The size of the crew.

(*8*) Daily discard amounts of each groundfish species or species group to at least the nearest tenth of a metric ton (0.1 mt) round weight, and daily discard amounts of each prohibited species listed under § 675.20(e) of this part by number, except for discard amounts of herring, which must be reported by round weight (0.1 mt).

(B) The following information must be recorded for each haul or set, as appropriate to the gear type employed:

(*1*) The trawl or set number. This number must be consecutive beginning with number one for the first haul or set of the day.

(*2*) The time at the beginning of the trawl or set.

(*3*) The position of the vessel at the beginning of the trawl or set in geographic coordinates.

(*4*) The sea depth at the beginning of the trawl or set in fathoms.

(*5*) Information concerning the gear used by the vessel. If the vessel is using longline gear, this information must include the average number of hooks or pots per skate and the number of skates used. If the vessel is using trawl gear, this information must include average trawl depth in fathoms.

(*6*) The duration of the set or trawl in minutes.

(*7*) The position of the vessel at the completion of the trawl or set in geographic coordinates.

(*8*) The estimated total weight of the catch for the trawl or set in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the daily fishing logbook.* Entries in the daily fishing logbook as to trawl or set number, time, position, and estimated catch weight must be recorded within two hours after completion of the applicable trawl or set. All other information required in the daily fishing log under paragraph (b)(2)(ii) of this section must be recorded by noon of the following day.

(iv) *In all cases, upon delivery or landing; provision of discard information to processors.* Notwithstanding other time limits, all information required under paragraph (b)(2)(ii) must be recorded in the daily fishing logbook prior to the time when the vessel's catch is off-loaded. The daily discard information for each day since the previous offload must be provided to the processor receiving the catch. The processor must record this discard information in the daily cumulative production logbook and in the weekly production report.

(v) *Quarterly submission of daily fishing logbooks.* The operator of a catcher vessel or catcher/processor vessel must submit a copy of the daily fishing logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily fishing logbook or fishing activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(3) *Daily cumulative production logbook.* (i) The operator of a processor vessel and the manager of a shoreside processing facility that receives or
processes groundfish from any Beri
Sea and Aleutian Islands reporti
area must maintain on the process
vessel or within the processing facil
a daily cumulative production logbo
of estimated catch receipt (if applic
ble), species discard amounts, and
tained groundfish product informati
as described in paragraph (b)(3)(ii)
this section. Daily entries are requir
for each day a processor vessel or fac
ity receives or processes groundfish.

(ii) *Daily cumulative production lo
book; contents.* (A) The daily cumul
tive production logbook must reco
the following information on a da
basis:

(*1*) The page number. This numb
must be consecutive beginning wi
page one for the first day the proc
sor vessel or processing facility co
ducted any fishing or processing act
ity after the start of the fishing ye
and continuing throughout the lo
book for the remainder of the fishi
year. A separate page in the daily c
mulative production logbook must
used for each day's entries. If fish
ceived by the processor vessel or faci
ty during any day are harvested wi
more than one gear type or are ha
vested from more than one reporti
area, a separate page in the daily c
mulative production logbook also mu
be used for each gear type or repor
ing area.

(*2*) The date.

(*3*) The name of the processi
vessel or facility.

(*4*) The ADF&G vessel number
the Alaska State processor cod
whichever is applicable.

(*5*) The reporting area where t
groundfish was harvested.

(*6*) The gear type used to harve
the groundfish received by the pro
essing vessel or facility (pelagic traw
bottom trawl, hook and line, or p
gear).

(*7*) The signature of the operator
the processing vessel or the manag
of the facility.

(*8*) The number of crew or emplo
ees engaged by a processor for fishin
processing, or other activities.

(*9*) The amounts of each groundfis
species, groundfish species group, a
prohibited species listed und
§ 675.20(c) of this part, that are di

carded in related fishing or processing activity. These amounts should include discards reported to a processor by operators of catcher vessels under § 675.5(b)(2)(iv) of this part. Discard amounts of groundfish should be recorded to the nearest tenth of a metric ton (0.1 mt) round weight. Discard amounts for each prohibited species listed under § 675.20(c) of this part must be recorded by number, except for discard amounts of herring, which must be recorded by round weight (0.1 mt).

(*10*) Species product information for each day of processing activity. Fish product weight must be specified to the nearest tenth of a metric ton (0.1 mt). Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 675.20 of this part:

(*i*) The product by species and product type codes.

(*ii*) The daily total amount of the product produced by species and product type codes in fish product weight.

(*iii*) The weekly total amount of the product produced by species and product type codes in fish product weight to be carried forward from the previous day. At the beginning of each weekly reporting period, the weekly total amount for each product is zero and nothing shall be carried forward from the previous weekly reporting period.

(*iv*) The updated weekly total amount of the product produced by species and product type codes in fish product weight calculated by adding the relevant daily total and the weekly total to be carried forward.

(B) The daily cumulative production logbook must record the following information for each catch receipt;

(*1*) For each groundfish set or codend received by mothership processor vessel:

(*i*) The State of Alaska fish ticket number.

(*ii*) The time when the set or codend is received.

(*iii*) The position of the mothership processor vessel in geographic coordinates when the set or codend is received.

(*iv*) The name of the catcher vessel delivering the set or codend.

(*v*) The ADF&G vessel number of the catcher vessel delivering the set or codend.

(*vi*) The estimated total weight of the set or codend in round weight to the nearest metric ton (mt).

(*2*) For each groundfish landing received by shoreside processors from catcher vessels:

(*i*) The State of Alaska fish ticket number.

(*ii*) The time when the catch is received.

(*iii*) The name of the vessel delivering the catch.

(*iv*) The ADF&G vessel number of the vessel delivering the catch.

(*v*) The estimated total weight of the catch in round weight to the nearest metric ton (mt).

(iii) *Maintenance of the Daily cumulative production logbook.* Information concerning the catch receipt number or State of Alaska fish ticket number, time of receipt, the name of the delivering vessel and, for a mothership processor vessel, the position of that vessel and the estimated catch receipt weight, must be recorded in the daily cumulative production logbook within 2 hours after the set, codend or catch is received. All other information required in the daily cumulative production logbook under paragraph (b)(3)(ii) of this section must be recorded by noon of the day following the day the catch receipt or production occurred. Information concerning product amounts must be recorded in the daily cumulative production logbook by noon of the day following the processing of the product regardless of when the set, codend or catch is received.

(iv) *Quarterly submission of the daily cumulative production logbook.* The operator of a processor vessel or manager of a shoreside processing facility must submit a copy of the daily cumulative production logbook on a quarterly basis to the Alaska Fisheries Science Center. The copy of the daily cumulative production logbook for activities conducted during the first quarter must be submitted by May 1 of that year, for the second quarter, by August 1 of that year, for the third quarter, by November 1 of that year, and for the fourth quarter, by February 1 of the following year.

(4) *Product transfer logbooks.* The operator of a processor vessel and the manager of a shoreside processing facility must record, in a separate transfer logbook, each transfer. A transfer includes any loading, offloading, shipment or receipt of any processed groundfish product, including quantities transferred outside the EEZ, within any state's territorial waters, or within the internal waters of any state or at any shoreside facility. Product transfer information must be recorded in the product transfer logbook within 12 hours of the completion of the product transfer.

(i) *Product transfer logbooks; contents.* The transfer logbook must record the following information:

(A) The page number. This number must be consecutive beginning with page one for the first transfer occurring after the start of the fishing year and continuing throughout the logbook for the remainder of the fishing year.

(B) The time, date and location. This information must include the time and date when the transfer began and the time and date when it is completed. If the product transfer logbook is maintained for a processor vessel, this information must include the location of the transfer. If the processor vessel is at sea, the location of the transfer must be specified in geographic coordinates. If the processor vessel is in port, the location of the transfer must be specified by identifying that port.

(C) Identification information. If the product transfer logbook is maintained for a processor vessel, the identification information must include the vessel's name, the Federal permit number, the ADF&G vessel number and radio call sign. If the product transfer logbook is maintained for a shoreside processing facility, the identification information must include the name of the facility, the location of the facility, and the Alaska State Processor Code number.

(D) Company representative information. Company representative information must include the name
person representing the proc
vessel or facility, the telep
number for that person and eith
telex or facsimile number for
person.

(E) Transfer information. The t
fer information must include the
of transfer involved and must sp
whether the transfer is a shipme
offloading or whether it is a recei
loading.

(F) Second party informa
Second party information must
clude information concerning
other parties involved in the tran
including the name, Federal pe
number and radio call sign of
vessel involved, the name of any s
ping agent involved, and the name
location of any processing facilit
volved. If the transfer involves a s
ment, the second party informa
must include the destination of
carrier or vessel receiving the
product.

(G) The total amount of the p
ucts transferred by species code
product type in fish product weigh
the nearest tenth of a metric ton
mt). Information concerning
amount of the product must incl
the total number of production u
transferred and the estimated wei
of each production unit type.

(ii) *Submission of product tran*
logs. An operator of a processor ve
and a manager of a shoreside proc
ing facility must submit a copy of
product transfer logbook to the
gional Director for each week w
any product transfer activity occur
Copies of the product transfer
books must be received by the Reg
al Director within one week after
week when the transfer occurred.

(c) *Other reporting requireme*
The operator or manager of any ve
or shoreside processor of the Uni
States that harvests or proce
groundfish caught from any Ber
Sea and Aleutian Islands report
area must, in addition to the requ
ments of paragraphs (a) and (b) of t
section, comply with the following
quirements:

(1) *Alaska groundfish check-*
check-out notices: (i) *Requireme*
Prior to the commencement of a

fishing activity in, or the receipt of any groundfish from, any Bering Sea and Aleutian Islands reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-in notice to the Regional Director. Upon the completion of fishing activity in or the receipt of any groundfish from any Bering Sea and Aleutian Islands reporting area during any fishing year by any processor vessel, the operator of the vessel must provide a check-out notice to the Regional Director.

(ii) *Check-in/check-out notices; contents:* The notice of check-in or check-out must include the following information:

(A) The processor vessel's name, radio call sign, and, if applicable, Federal groundfish permit number;

(B) Time and date information. If the notice concerns the commencement of fishing activity or the receipt of groundfish, this information must include the time and date of when these activities will commence. If the notice concerns the completion of fishing activities or the receipt of groundfish, this information must include the time and date of when these activities ceased.

(C) Location. The reporting area and position in geographic coordinates where the fishing activity or receipt of groundfish is expected to occur or has occurred.

(iii) *Check-in/check-out notices; submission or method of providing notice.* The operator of a processor vessel required to provide a check-in or check-out notice must provide that notice through the means and in the manner prescribed by the Regional Director.

(2) *Weekly production reports*—(i) *Requirements for processor vessels.* The operator of a processor vessel which conducts fishing activity in, or receives groundfish from, any Bering Sea and Aleutian Islands reporting area at any time during a fishing year must submit weekly production reports. Weekly production reports are required for a processor vessel for any week during the period beginning with the date specified in the check-in notice and ending after all groundfish harvested from and fish products prepared with any goundfish harvested from any Bering Sea and Aleutian Islands reporting area are off-loaded. Weekly production reports are required during this period even if no groundfish is harvested or received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(ii) *Weekly production reports; requirements for shoreside processors.* The manager of a shoreside processing facility must submit weekly production reports beginning with the first week of the year when the facility receives any groundfish from a Bering Sea and Aleutian Islands reporting area and continuing until the end of the year or until the facility ceases groundfish production for the year. Weekly production reports are required during this period even if no groundfish is received or processed during a particular week and these weekly production reports should specify "zero" with respect to the amounts harvested, received or produced.

(iii) *Weekly production reports; contents.* The weekly production report must have a separate page for each gear type used. Each page must include the following information:

(A) The name of the person submitting the report, a telephone number for that person, and either a facsimile or telex number for that person.

(B) Identification information. If the weekly production report is submitted for a processor vessel, this information must include the name and radio call sign of that vessel. If the weekly report is submitted for a shoreside processing facility, this information must include the name of the plant.

(C) Federal permit number or Alaska State processor code, whichever is applicable.

(D) The end date of the weekly reporting period.

(E) The gear type used to harvest the groundfish catch or catch receipt (pelagic trawl, bottom trawl, hook and line, or pot gear).

(F) The reporting area or areas from which groundfish was harvested and retained during the weekly reporting period with the reporting area or areas specified for each groundfish species or species group.

(G) The number of days when fishing activities were conducted and when fish were received.

(H) The total estimated catch weight or catch receipt for each reporting area to the nearest metric ton (mt).

(I) The amount of each product by species code and product type with the amount produced during the weekly reporting period specified in fish product weight for each groundfish species or species group for which a total allowable catch is specified under § 675.20 of this part.

(J) The amount of each groundfish species, groundfish species group, or prohibited species listed under § 675.20(c) of this part, which is discarded in related fishing operations during the weekly reporting period.

(iv) *Weekly production reports; submission.* Weekly production reports must be submitted to the Regional Director. Weekly production reports must be received by the Regional Director within one week after the end of the applicable weekly reporting period.

(d) *Groundfish utilization surveys.* When requested by the Regional Director, but not more than four times a year, each U.S. fish processor who intends to process U.S.-harvested groundfish taken in the Bering Sea and Aleutian Islands management area shall complete a written survey received from the Regional Director to include the following information:

(1) The quantity of groundfish that the processor has the capacity to process during the following six-month period; and

(2) The quantity of U.S.-harvested groundfish from the Bering Sea and Aleutian Islands management area that the processor expects to process during the following six-month period.

[46 FR 63307, Dec. 31, 1981, as amended at 50 FR 46076, Nov. 6, 1985; 53 FR 24656, June 29, 1988; 54 FR 50404, Dec. 6, 1989; 55 FR 34934, Aug. 27, 1990]

§ 675.6 [Reserved]

§ 675.7 Prohibitions.

In addition to the general proh
tions specified in § 620.7 of this ch
ter, it is unlawful for any person to
any of the following:

(a) Fish for groundfish in the Ber
Sea and Aleutian Islands managem
area with a vessel of the United Sta
which does not have aboard a v
permit issued under § 675.4 of t
part.

(b) Conduct of any fishing contr
to any notice of inseason adjustm
issued under § 675.20(e) of this part.

(c) Use a vessel:

(1) To fish with trawl gear in t
part of Zone 1 closed to fishing w
trawl gear in violation of § 675.22(a)
this part unless specifically allowed
the Secretary as provided un
§ 675.22 (b), (c), and (d) of this part;

(2) To fish with trawl gear in t
part of Zone 1 closed to fishing w
trawl gear at any time when no sci
tific data collection and monitor
program exists or after such a p
gram has been terminated; or

(3) To fish with trawl gear in t
part of Zone 1 closed to fishing w
trawl gear without complying fu
with a scientific data collection a
monitoring program; or

(d) conduct any fishing contrary t
notice issued under § 675.21 of t
part.

(e) Fish for groundfish except
compliance with the terms of an
server plan as provided by § 675.25
this part.

[53 FR 24659, June 29, 1988, as amended
54 FR 32649, Aug. 9, 1989; 54 FR 50408, D
6, 1989; 55 FR 1036, Jan. 11, 1990]

EFFECTIVE DATE NOTE: At 54 FR 326
Aug. 9, 1989, § 675.7 was amended by rev
ing paragraph (c) and adding paragraph (
Paragraphs (c) and (d) remain in eff
through December 31, 1990.

§ 675.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 675.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

Subpart B—Management Measures

§ 675.20 General limitations.

(a) *Harvest limits*—(1) *Optimum yield.* The optimum yield (OY) for the fishery regulated by this section and by 50 CFR § 611.93 is a range of 1.4 to 2.0 million mt for target species and the *other species* category in the Bering Sea and Aleutian Islands management area, to the extent this amount can be harvested consistently with this part and 50 CFR part 611, plus the amounts of *nonspecified species* taken incidentally to the harvest of target species and the *other species* category. The species categories are defined in Table 1 of this section.

TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE BERING SEA AND ALEUTIAN ISLANDS GROUNDFISH FISHERY

Target species [1]	Other species [2]	Non-specified species [3]	Prohibited species [4]
Pollock, cod, sablefish, Atka mackerel, Pacific ocean perch, other rockfish, yellowfin sole, Greenland halibut or Greenland turbot, arrowtooth flounder, rock sole, other flatfish, squid.	Sculpins, sharks, skates, eulachon, smelts, capelin, octopus.	All species not included in other categories.	Pacific halibut, any species of Pacific salmon, steelhead trout, Pacific herring, king crab and Tanner crab.

[1] Records must be maintained (see § 675.5).

[2] Records must be maintained of the aggregate catches (see § 675.5).

[3] No records must be maintained.

[4] Records must be maintained (see § 675.5).

(2) *Total Allowable Catch (TAC).* The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the *other species* category, and will apportion the TACs among DAP, JVP, TALFF, and reserves. TACs in the target species category may be split or combined for purposes of establishing new TACs with apportionments thereof under paragraph (b) of this section. The sum of the TACs so specified must be within the OY range of 1.4–2.0 million mt for target species and the *other species* category.

(3) *Reserve.* Fifteen percent of the TAC for each target species and the *other species* category is automatically placed in a reserve, and the remaining 85 percent of the TAC for each target species and the *other species* category is apportioned between DAH and TALFF. The reserve is not designated by species or species group and any amount of the reserve may be apportioned to a target species or the *other species* category provided that such apportionments are consistent with paragraph (a)(2)(i) of this section and do not result in overfishing of a target species or the *other species* category.

(4) *DAH.* (i) The initial amounts for the two components of DAH, i.e., expected domestic annual processing (DAP) and U.S. harvest authorized for delivery to foreign processors (JVP), will be determined each year by the Regional Director. The DAP and JVP amounts for each target species and for the *other species* category equals the actual DAP and JVP of the previous year plus any additional amounts the Regional Director projects will be used by the U.S. fishing industry during the coming fishing year. This projection will be based upon the latest reliable information that is available, including industry surveys, market data, and stated intentions by representatives for the U.S. fishing industry.

(ii) The DAH for the *nonspecified species* category equals the amount of that category caught during the fishing year while harvesting the DAH for the target species and *other species* categories.

(5) *TALFF.* The TALFF for each target species and for the *other species* category at the beginning of the fishing year is 85 percent of each TAC minus DAH. The TALFF for the *nonspecified species* category equals the

amount caught during the fishing year while harvesting the TALFF for the target species and *other species* categories.

(6) *Prohibited species catch (PSC) limits.* When the Secretary determines, after consultation with the Council, that the TAC for any species or species group in any fishing year will be harvested by fishing vessels of the United States, the Secretary may specify PSC limits for that species or species group applicable to JVP and TALFF fisheries. Species for which a PSC limit has been specified under this paragraph shall be treated in the same manner as prohibited species under paragraph (c) of this section. Any PSC limit specified under this paragraph may not exceed an amount determined by the Regional Director to be the minimum amount necessary to harvest a groundfish species or species group for which there is a JVP or TALFF apportionment and which will not result in overfishing of the species for which the PSC limit is specified. The Regional Director will account for the JVP or TALFF catch of a species against an applicable PSC limit after any retainable JVP or TALFF amounts of that species have been taken and notice has been given under paragraph (a)(9) of this section that the JVP or TALFF fishery must treat that species as a prohibited species.

(7) *Notices.* As soon as is practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the FEDERAL REGISTER specifying preliminary TAC, Reserve, DAP, JVP, and TALFF amounts for each target species and for the *other species* category for the next calendar year. Public comment on these amounts will be accepted by the Secretary for a period of 30 days after the amounts have been published in the FEDERAL REGISTER. The Secretary will consider all timely comments when determining, after consultation with the Council, the final annual TAC, initial DAH, and initial TALFF for each target species and the *other species* category for the next year. These figures will be published as a notice in the FEDERAL REGISTER as soon as practicable after December 15 and made available to the

public through other suitable
by the Regional Director.

(8) If the Regional Director
mines that the amount of a targ
cies or *other species* category
tioned to a fishery is likely
reached, the Regional Directo
establish a directed fishing all
for that species or species grou
amount of a species or species
apportioned to a fishery is the a
under Table 1, as revised by in
adjustments, for that species
cies group, as identified by s
and as further identified accor
any allocation for TALFF, the
tionment for JVP, the apportio
for DAP and, if applicable, as
identified by gear type. In estab
a directed fishing allowance, t
gional Director shall consid
amount of that species or
group which will be taken as i
tal catch in directed fishing fo
species in the same subarea. If t
gional Director establishes a d
fishing allowance and that allo
is or will be reached, he will p
directed fishing for that species
cies group in the specified suba
person may engage in directed
in violation of an applicable no
directed fishing is prohibite
amount of any catch of that spe
species group equal to or greate
the amount which constitutes d
fishing may not be retained an
be treated as a prohibited
under paragraph (c) of this secti

(9) When the Regional Direct
termines that the TAC of any
species or of the *other species* ca
has been achieved prior to the
the fishing year, the Secretar
publish a notice in the FEDERAL
TER requiring that species or th
species category are to be trea
the same manner as prohibite
cies, as described in § 675.20(c)
part, for the remainder of the
year.

(10) If the Regional Director
mines that directed fishin
groundfish other than the spec
which the TAC is achieved, as
mined under paragraph (a)(9)
section, may lead to overfishing
species, the Secretary will,
notice required by that para

also limit such directed fishing for other groundfish by any method, including area closures, gear restrictions, or prohibition of directed fishing, that will prevent overfishing of the species for which the TAC is achieved.

(11) When the Regional Director determines that a PSC limit applicable to a JVP or TALFF fishery for a groundfish species has been or will be reached, the Secretary will publish a notice in the FEDERAL REGISTER prohibiting any further receipt of domestically-harvested fish by foreign vessels or TALFF fishing which is likely to catch significant amounts of the species for which the PSC limit has been or will be reached for the remainder of the fishing year.

(12) When making the determinations specified under paragraphs (a) (8), (9), (10) and (11) of this section, the Regional Director may consider allowing fishing to continue or resume with certain gear types or in certain areas and times based on findings of:

(i) The risk of biological harm to groundfish for which the TAC or PSC limit will be or has been achieved;

(ii) The risk of socioeconomic harm to authorized users of the groundfish for which the TAC or PSC limit will be or has been achieved; and

(iii) The negative effect of prohibitions or restrictions authorized under paragraphs (a) (8), (9), (10) and (11) of this section on the socioeconomic well-being of other domestic fisheries.

(b) *Apportioning the reserve, surplus DAH, and JVP*—(1) *Dates*—(i) *Reserve to DAH and TALFF.* As soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines appropriate, the Secretary will by notice apportion to DAH and TALFF all or part of the reserve in accordance with paragraphs (a)(3) and (b)(2) of this section. The Secretary will apportion to DAH the amount of reserve that he finds will be harvested by U.S. vessels during the remainder of the year and will apportion to TALFF the remaining portion of the reserve that will not be apportioned to DAH, except that part or all of the reserve may be withheld if an apportionment would adversely affect the conservation of groundfish resources or prohibited species.

(ii) *Apportionment between DAP and JVP.* As soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines appropriate, the Secretary will, by notice in the FEDERAL REGISTER, reassess and reapportion to JVP the part of DAP that he determines will not be harvested by U.S. vessels and delivered to U.S. processors during the remainder of the fishing year, unless such reapportionments to JVP would adversely affect the conservation of groundfish or prohibited species or would have an adverse impact on the socioeconomic considerations set forth in paragraph (a)(2)(i)(B) of this section.

(iii) *DAH to TALFF.* As soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines appropriate, the Secretary will, by notice, reassess and reapportion to TALFF the part of DAH that he determines will not be harvested by U.S. vessels during the remainder of the fishing year, unless such reapportionments to TALFF would adversely affect the conservation of groundfish or prohibited species or would have an adverse impact on the socioeconomic considerations set forth in paragraph (a)(2)(i)(B) of this section.

(iv) *Adjustments of PSC limits.* When the Secretary apportions or reapportions groundfish under paragraph (b)(1) of this section, the Secretary may, by notice in the FEDERAL REGISTER, increase proportionately any applicable PSC limit of a species or species group if such increase will not result in overfishing of that species or species group. Any adjusted PSC limit may not exceed the amount determined by the Regional Director to be the minimum amount necessary to harvest the groundfish species or species group affected by the apportionment or reapportionment.

(2) *Procedure.* (i) The Secretary will provide all interested persons an opportunity to comment on the proposed apportionments, retentions or PSC limit adjustments under paragraph (b)(1) of this section before such apportionments, retentions or adjustments are made, unless he finds that there is good cause for not providing a prior comment opportunity, and pub-

lishes the reasons therefore in the notice of apportionment, retention or adjustment. No apportionment, retention or PSC limit adjustment may take effect until it has been published in the FEDERAL REGISTER as a notice with a statement of the findings upon which the apportionment, retention or adjustment is based. Comments provided for in this paragraph must be received by the Secretary not later than 5 days before April 1, June 1, and August 1, or other dates that may be specified. If the Secretary determines for good cause that a notice of apportionment, retention or PSC limit adjustment must be issued without providing interested persons a prior opportunity for public comment, comments on the apportionment, retention or adjustment will be received for a period of 15 days after its effective date. The Secretary will consider all timely comments in deciding whether to make a proposed apportionment, retention or PSC limit adjustment or to modify an apportionment, retention or adjustment that previously has been made, and shall publish responses to those comments in the FEDERAL REGISTER as soon as practicable.

(ii) Comments provided for in paragraphs (a)(7) and (b)(2)(i) of this section should be addressed to Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. The Regional Director will make available to the public during business hours the aggregate data upon which any preliminary TAC, DAH, TALFF, or PSC limit figure is based or the data upon which any apportionment or retention of surplus DAH or reserve, or PSC limit adjustment, was or is proposed to be based at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska. These data will be available for a sufficient period to facilitate informed comment by interested persons.

(c) *Prohibited species.* (1) Prohibited species, for the purpose of this part, means any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (*Salmo gairdneri* or *Parasalmo mykiss*), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasi*), k
(*Paralithodes* spp. and *Lithod*
and Tanner crab (*Chionoece*
caught by a vessel regulate
this part while fishing for gr
in the Bering Sea and Aleutia
management area, unless ret
authorized by other applicabl
cluding the regulations of the
tional Pacific Halibut Commis

(2) The operator of each ves
lated under this part must
its catch of prohibited species.

(3) The operator of each ves
lated under this part must
catch as soon as possible afte
al of the catch and, after allo
sampling by an observer (if an
return any catch of prohibite
or parts thereof to the sea im
ly with a minimum of injury
less of its condition.

(4) It will be a rebuttable
tion that any prohibited speci
onboard a fishing vessel r
under this part was caught
tained in violation of this secti

(d) The Secretary of Comm
make appropriate arrangem
place observers aboard U.S. t
sels operating in the Winter
Savings Area from Dece
through May 31. The Winter
Savings Area is bounded by
lines connecting the followin
nates in the order listed:

Latitude	*Longitude*
54°36′ N.	164°55′42″ W. (Cape Sa Light)
54°48′ N.	170°00′ W.
55°30′ N.	170°00′ W.
55°30′ N.	166°47′ W.
56°00′ N.	167°45′ W.
56°00′ N.	166°00′ W.
56°30′ N.	166°00′ W.
56°30′ N.	163°00′ W.
55°16′ N.	166°10′ W.
54°36′ N.	164°55′42″ W.

(e) *Inseason adjustments.* (1
son adjustments issued by th
tary include:

(i) The closure, extension,
ing of a season in all or part o
agement area:

(ii) Modification of the a
gear to be used in all or part o
agement area; and

(iii) The adjustment of TACs
limits or PSC allowance.

(2) Any inseason adjustment taken under this paragraph must be based on a determination that such adjustments are necessary to prevent:

(i) The overfishing of any species or stock of fish or shellfish: or

(ii) The harvest of a TAC for any groundfish species, the taking of a PSC limit or PSC allowance for any prohibited species, or the closure of any fishing for groundfish based on a TAC or PSC limit or PSC allowance which on the basis of the best available scientific information is found by the Secretary to be incorrectly specified; or

(iii) The underharvest of a TAC or gear share of a TAC for any groundfish species when catch information indicates that the TAC has not been reached.

(3) The selection of the appropriate inseason management adjustments under paragraph (e)(1) (i) or (ii) of this section must be from the following authorized management measures and be based on an adjustment selected which is the least restrictive necessary to achieve the purpose of the adjustment:

(i) Any gear modification that would protect the species in need of conservation protection, but which would allow fisheries to continue for other species; or

(ii) A time-area closure which would allow fisheries for other species to continue in noncritical areas and time periods; or

(iii) Closure of a management area to all groundfish fishing for the remainder of the fishing year; or

(iv) Reopening of a management area or season to achieve the TAC or gear share of a TAC for any of the target species or the *other species* category.

(f) *Data.* All information relevant to one or more of the following factors may be considered in making the required determinations under paragraph (e)(2) of this section:

(1) The effect of overall fishing effort within a regulatory area;

(2) Catch per unit of effort and rate of harvest;

(3) Relative abundance of stocks within the area;

(4) The condition of the stock within all or part of a regulatory area;

(5) Economic impacts on fishing businesses being affected; and

(6) Any other factors relevant to the conservation and management of groundfish species or any incidentally-caught species which are designated as a prohibited species or for which a PSC limit has been specified.

(g) *Procedure.* (1) No inseason adjustment issued under paragraph (e) of this section may take effect until:

(i) The Secretary has filed the proposed adjustment with the Office of the Federal Register for public inspection; and

(ii) The Secretary has published the proposed adjustment for public comment for a period of thirty (30) days before it is made final, unless the Secretary finds for good cause that such notice and public comment is impracticable, unnecessary or contrary to the public interest.

(2) If the Secretary decides, for good cause, that an adjustment is to be made without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, the adjustment will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(3) During any such 15-day period, the Regional Director will make available for public inspection, during business hours, the aggregate data on which an adjustment was based.

(4) If written comments are received during any such 15-day period which oppose or protest an inseason adjustment issued under this section, the Secretary will reconsider the necessity for the adjustment and, as soon as practicable after that reconsideration, will either:

(i) Publish in the FEDERAL REGISTER a notice of continued effectiveness of the adjustment, responding to comments received; or

(ii) Modify or rescind the adjustment.

(5) Notices of inseason adjustments issued by the Secretary under this paragraph (g) must include the following information:

(i) A description of the management adjustment;

(ii) The reasons for the adjustment and the determinations required by this part; and

(iii) The effective date and any termination date of the management adjustment. If no termination date is specified, the adjustment will terminate on the last day of the fishing year.

(h) *Standards for directed fishing.*—(1) *Using trawl gear for pollock, yellowfin sole, rock sole, other flatfish,* or Pacific cod. The operator of a vessel is engaged in directed fishing for pollock, yellowfin sole, rock sole, *other flatfish,* or Pacific cod if he retains at any particular time during a trip an amount of any one of these species caught using trawl gear that is equal to or greater than 20 percent of the aggregate catch of the other fish or fish products retained at the same time on the vessel during the same trip.

(2) *Using trawl gear for sablefish, Greenland turbot, and rockfish of the genera Sebastes and Sebastolobus.* The operator of a vessel is engaged in directed fishing for sablefish, Greenland turbot, or rockfish if he retains at any particular time during a trip an amount of any one of these species caught using trawl gear equal to or greater than the following:

(i) For sablefish, 10 percent of the amount of all Greenland turbot and rockfish retained at the same time on the vessel during the same trip; plus 1 percent of the total amount of other fish species retained at the same time by the vessel during the same trip.

(ii) For Greenland turbot, 10 percent of the total amount of all sablefish and rockfish retained at the same time on the vessel during the same trip; plus 1 percent of the total amount of other fish species retained at the same time by the vessel during the same trip.

(iii) For rockfish, 10 percent of the total amount of all sablefish and Greenland turbot retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

(3) *Using hook-and-line gear for sablefish, Pacific cod, or Greenland turbot.* The operator of a vessel is engaged in directed fishing for sablefish, Pacific cod, or Greenland turbot if he retains at any particular time during a trip an amount of these species caught using hook-and-line gear in an amount equal to or greater than the following:

(i) For sablefish, 10 percent of the amount of all Greenland turbot and rockfish retained at the same time on the vessel during the same trip; plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

(ii) For Pacific cod, 1 percent of the total amount of all other fish species retained at the same time on the vessel during the same trip.

(iii) For Greenland turbot, 20 percent of the amount of all sablefish retained at the same time on the vessel during the same trip; plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

(4) *Using pot gear for sablefish or Pacific cod.* The operator of a vessel is engaged in the directed fishing for sablefish or Pacific cod if he retains at any particular time during a trip an amount of any one of these species caught using pot gear in an amount equal to or greater than 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

(5) *Other.* Except as provided under paragraphs (h)(1) through (4), the operator of a vessel is engaged in the directed fishing for a specific species or species group if he retains at any particular time during a trip that species or species group in an amount equal to or greater than 20 percent of the amount of all other fish species retained at the same time on the vessel during the same trip.

(i) *Directed fishing—calculations and determinations.*—(*1*) *Calculations.* In making any determination concerning directed fishing the amount or percentage of any species, species group or any fish or fish products will be calculated in round weight equivalents.

(2) *Trip.* For purposes of this paragraph, the operator of a vessel is engaged in a single fishing trip from the commencement of or continuation of fishing after the effective date of a

notice prohibiting directed fishing under paragraph (a)(8) of this section until any offload or transfer of any fish or fish product from that vessel or until the vessel leaves the subarea where fishing activities commenced, whichever occurs first.

[46 FR 63307, Dec. 31, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 675.20, see the List of CFR Sections Affected in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 54 FR 32649, Aug. 9, 1989, § 675.20 was amended by adding the phrase *or PSC allowance* after the phrase *PSC limits* in paragraph (e)(1)(iii) and after the phrase *PSC limit* in paragraph (e)(2)(ii) and by revising paragraph (e)(4), effective through December 31, 1990. For the convenience of the user, paragraph (e)(4) remaining in effect through December 31, 1990, appears as follows:

§ 675.20 General information.

* * * * *

(e) * * *

(4) The adjustment of TAC or PSC limit or PSC allowance for any species under paragraph (e)(1)(iii) of this section must be based on the best available scientific information concerning the biological stock status and harvest of the species in question and on the Regional Director's determination that the currently specified TAC or PSC limit or PSC allowance is incorrect. Any adjustment to a TAC or PSC limit or PSC allowance must be reasonably related to a change in biological stock status, except that a PSC limit or PSC allowance may be adjusted if it was incorrectly specified or to allow redistribution or uncaught PSC allowances among fisheries.

* * * * *

§ 675.21 Prohibited species catch (PSC) limitations.

(a) *PSC limits.* (1) The PSC limit of red king crab caught while conducting any domestic trawl fishery for groundfish in Zone 1 during any fishing year is 200,000 red king crabs.

(2) The PSC limit of Tanner crab (*C. bairdi*) caught while conducting any domestic travel fishery for groundfish in Zone 1 during any fishing year is 1 million animals.

(3) The PSC limit of Tanner crab (*C. bairdi*) caught while conducting any domestic fishery for groundfish in Zone 2 during any fishing year is 3 million animals.

(4) The primary PSC limit of Pacific halibut caught while conducting any domestic fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of Pacific halibut equivalent to 4,400 metric tons.

(5) The secondary PSC limit of Pacific halibut caught while conducting any domestic fishery for groundfish in the Bering Sea and Aleutian Islands Management Area during any fishing year is an amount of Pacific halibut equivalent to 5,333 metric tons.

(b) *Apportionment of PSC limits.* (1) The Secretary, after consultation with the North Pacific Fishery Management Council (Council), will apportion each PSC limit into PSC allowances that will be assigned to each fishery, specified in paragraph (b)(3) of this section, according to its anticipated incidental catch during a fishing year of prohibited species for which a PSC limit is specified through the use of a mathematical prediction procedure based on statistical information derived from fishery performance in previous years and expectations of projected performances of the fisheries.

(2) The Secretary will publish PSC limits and PSC allowances annually in the notices required under § 675.20(a)(6) of this part. Public comment will be accepted by the Secretary for a period of 30 days after the first publication of the amounts. See Table 2 for purposes of this paragraph.

(3) For purposes of this section, four domestic fisheries are defined as follows:

(i) *DAP flatfish fishery* means DAP fishing operations which retain, on a weekly basis, yellowfin sole, rock sole, and *other flatfish* in the aggregate in an amount greater than or equal to 20 percent of the total amount of groundfish retained.

(ii) *DAP other fishery* means DAP fishing operations which retain, on a weekly basis, any combination of groundfish species which does not qualify the fishery as a *flatfish fishery.*

(iii) *JVP flatfish fishery* means JVP fishing operations which deliver, on a weekly basis, yellowfin sole, rock sole, and *other flatfish* in the aggregate in an amount greater than or equal to 20 percent of the total amount of groundfish delivered.

(iv) *JVP other fishery* means JVP fishing operations which deliver, on a weekly basis, any combination of groundfish species which does not qualify the fishery as a *flatfish fishery.*

(c) *Attainment of a PSC allowance.* (1) By the *DAP flatfish fishery.*

(i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC allowances or red king crab or *C. bairdi* in Zone 1 while participating in the *DAP flatfish fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for yellowfin sole, rock sole, and *other flatfish* in the aggregate in Zone 1 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC allowance of *C. bairdi* in Zone 2 while participating in the *DAP flatfish fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for yellowfin sole, rock sole, and *other flatfish* in the aggregate in Zone 2 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the primary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *DAP* flatfish fishery, the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for yellowfin sole, rock sole, and *other flatfish* in the aggregate in Zones 1 and 2H by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the secondary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *DAP flatfish fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for yellowfin sole, rock sole, and *other flatfish* in the aggregate in the entire Bering Sea and Aleutian Islands Management Area by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(2) By the *DAP other fisheries.*

(i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC allowances of red king crab of *C. bairdi* in Zone 1 while participating in the *DAP other fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with bottom trawl gear in Zone 1 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC allowance of *C. bairdi* in Zone 2 while participating in the *DAP other fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with bottom trawl gear in Zone 2 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the primary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *DAP other fishery,* the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with bottom trawl gear in Zones 1 and 2H by U.S. fishing vessels that process their catch on board or deliver it to U.S processors.

) If, during the fishing year, the
onal Director determines that
fishing vessels will catch the sec-
ry PSC allowance of Pacific hali-
n the Bering Sea and Aleutian Is-
; Management Area while partici-
g in the *DAP other fishery*, the
etary will publish a notice in the
RAL REGISTER prohibiting, for the
inder of the fishing year, directed
ng for pollock and Pacific cod in
ggregate with bottom trawl gear
e entire Bering Sea and Aleutian
ds Management Area by U.S.
ng vessels that process their catch
oard or deliver it to U.S. proces-

By the *JVP flatfish fishery.*

If, during the fishing year, the
onal Director determines that
fishing vessels will catch either of
SC allowances of red king crab or
irdi in Zone 1 while participating
e *JVP flatfish fishery*, the Secre-
will publish a notice in the FEDER-
EGISTER prohibiting, for the re-
der of the fishing year, the re-
by foreign vessels of groundfish
ht from Zone 1 that is composed
) percent or more yellowfin sole,
sole, and *other flatfish* in the ag-
te.

If, during the fishing year, the
onal Director determines that
fishing vessels will catch the PSC
ance of *C. bairdi* in Zone 2 while
cipating in the *JVP flatfish fish-*
he Secretary will publish a notice
e FEDERAL REGISTER prohibiting,
he remainder of the fishing year,
receipt by foreign vessels of
ndfish caught from Zone 2 that is
osed of 20 percent or more yel-
n sole, rock sole, and *other flat-*
n the aggregate.

) If, during the fishing year, the
onal Director determines that
fishing vessels will catch the pri-
PSC allowance of Pacific halibut
e Bering Sea and Aleutian Islands
agement Area while anticipating
e *JVP flatfish fishery*, the Secre-
will publish a notice in the FEDER-
EGISTER prohibiting, for the re-
der of the fishing year, the re-
by foreign vessels of groundfish
ht from Zones 1 and 2H that is
osed of 20 percent or more yellowfin sole, rock sole, and *other flatfish* in the aggregate.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the secondary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *JVP flatfish fishery*, the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, the receipt by foreign vessels of groundfish caught in the entire Bering Sea and Aleutian Islands Management Area that is composed of 20 percent or more yellowfin sole, rock sole, and *other flatfish* in the aggregate.

(4) By the *JVP other fisheries.*

(i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC allowances of red king crab or *C. bairdi* in Zone 1 while participating in the *JVP other fishery*, the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, the receipt by foreign vessels of groundfish caught from Zone 1 with bottom trawl gear that is composed of 20 percent or more pollock and Pacific cod in the aggregate.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC allowance of *C. bairdi* in Zone 2 while participating in the *JVP other fishery*, the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, the receipt by foreign vessels of groundfish caught from Zone 2 with bottom trawl gear that is composed of 20 percent or more pollock and Pacific cod in the aggregate.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the primary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *JVP other fishery*, the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, the receipt by foreign vessels of groundfish caught from Zones 1 and 2H with bottom trawl gear that is composed of 20 percent or more pollock and Pacific cod in the aggregate.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the secondary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the *JVP other fishery,* the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, the receipt by foreign vessels of groundfish caught in the entire Bering Sea and Aleutian Islands Management Area with bottom trawl gear that is composed of 20 percent or more pollock and Pacific cod in the aggregate.

TABLE 2—1989 PROHIBITED SPECIES CATCH ALLOWANCES

Fisheries	Zone 1	Zone 2	Zone 1 + 2H primary	BSAI-wide secondary
Red king crab, animals:				
DAP flatfish fisheries	50,579			
DAP other fisheries	20,879			
JVP flatfish fisheries	111,858			
JVP other fisheries	16,684			
C. bairdi Tanner crab, animals:				
DAP flatfish fisheries	86,970	260,910		
DAP other fisheries	609,519	1,828,558		
JVP flatfish fisheries	93,359	280,077		
JVP other fisheries	210,152	630,455		
Pacific halibut, metric tons:				
DAP flatfish fisheries	....	....	181	220
DAP other fisheries	....	....	3,408	4,131
JVP flatfish fisheries	....	....	146	177
JVP other fisheries	....	....	665	805

[54 FR 32649, Aug. 9, 1989; 54 FR 37469, Sept. 11, 1989]

EFFECTIVE DATE NOTES: 1. At 54 FR 32649, Aug. 9, 1989, § 675.21 was added, and remains in effect through December 31, 1990. (See also correction to paragraph (b)(1) of § 675.21, published at 54 FR 37469, Sept. 11, 1989.)

2. At 55 FR 33721, Aug. 17, 1990, an emergency interim rule was issued amending § 675.21 by suspending paragraph (c)(2) and adding paragraph (c)(5), effective from August 14, 1990 through November 10, 1990. For the convenience of the user, paragraph (c)(5) of the emergency interim rule appears below.

§ 675.21 Prohibited species catch (PSC) limitations.

* * * * *

(c) * * *

(5) By the "DAP other fisheries."

(i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC allowances of red king crab or *C. bairdi* in Zone 1 while participating in the "DAP other fishery," the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawl gear other than pelagic trawls in Zone 1 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC allowance of *C. bairdi* in Zone 2 while participating in the "DAP other fishery," the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawls other than pelagic trawls in Zone 2 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the primary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the "DAP other fishery," the Secretary will publish a notice in the FEDERAL REGISTER prohibiting, for the re-inder of the fishing year, directed hing for pollock and Pacific cod in aggregate with trawls other than agic trawls in Zones 1 and 2H by fishing vessels that process their ch on board or deliver it to U.S. cessors.

v) If, during the fishing year, the gional Director determines that fishing vessels will catch the sec- lary PSC allowance of Pacific hali- in the Bering Sea and Aleutian Is- ds Management Area while partici- ing in the "DAP other fishery," the retary will publish a notice in the ERAL REGISTER prohibiting, for the ainder of the fishing year, directed ing for pollock and Pacific cod in aggregate with trawls other than gic trawls in the entire Bering Sea Aleutian Islands Management a by U.S. fishing vessels that proc- their catch on board or deliver it to processors.

.22 Time and area closures.

No fishing with trawl gear is al- d at any time in that part of Zone the Bering Sea Subarea that is h of 58° 00′ N. latitude and be- n 160° 00′ W. longitude and 162° V. longitude (see figure 2) except escribed in paragraph (c) of this on.

No fishing with trawl gear is al- d at any time in that part of Zone the Bering Sea Subarea that is h of 58° 00′ N. latitude and be- n 162° 00′ W. longitude and W. longitude during the period ch 15 through June 15 except as ribed in paragraph (d) of this sec-

The Secretary may allow fishing Pacific cod with trawl gear in that on of the area described in para- h (a) of this section that lies h of a straight line connecting the dinates 56° 43′ N. latitude, 00′ W. longitude, and 56° 00′ N. ude 162° 00′ W.longitude, provided such fishing is in compliance with entific data collection and moni- g program, established by the Re- l Director after consultation with Council, designed to provide data l in the management of the trawl ry, the Pacific halibut, Tanner and king crab fisheries, and to prevent overfishing of the Pacific halibut, Tanner and king crab stocks in the area.

(d) During the period March 15 through June 15, the Secretary may allow fishing for Pacific cod with trawl gear in that portion of the area described in paragraph (b) of this section that lies south of a line connecting 56° 00′ N. latitude, 162° W. longitude, and 55° 38′ N. latitude 163° 00′ W. longitude, provided that such fishing is in compliance with a scientific data collection and monitoring program, established by the Regional Director after consultation with the Council, designed to provide data useful in the management of the trawl fishery, the Pacific halibut, Tanner crab and king crab fisheries, and to prevent overfishing of the Pacific halibut, Tanner and king crab stocks in the area.

(e) If the Regional Director determines that vessels fishing with trawl gear in the areas described in paragraphs (a) and (b) of this section will catch the PSC limit of 12,000 red king crabs, he will immediately prohibit all fishing with trawl gear in those areas by notice in the FEDERAL REGISTER.

(f) No fishing is allowed during April 1 through September 30 of each of the 1990 and 1991 fishing years in that part of the Bering Sea subarea shoreward of a line on which each point is 12 miles from the base line used to measure the Territorial Sea around islands named Round Island and The Twins as shown on National Oceanic Survey Chart INT 500, and around Cape Peirce (160°10′ W. longitude, 58°40′ N. latitude).

[54 FR 32651, Aug. 9, 1989, as amended at 54 FR 50408, Dec. 6, 1989]

EFFECTIVE DATE NOTE: At 54 FR 32651, Aug. 9, 1989, § 675.22 (a) through (e) was added, and remains in effect through December 31, 1990.

§ 675.23 Seasons.

(a) Fishing for groundfish in the subareas and statistical areas of the Bering Sea and Aleutian Islands is authorized from 00:01 a.m. on January 1 through 12:00 midnight Alaska local time, December 31, subject to other provisions of this part, except as provided in paragraph (b) of this section.

(b) The time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 12:00 noon Alaska local time.

[55 FR 33, Jan. 2, 1990]

§ 675.24 Gear limitations.

Vessels using gear types other than those specified by paragraphs (a) and (b) of this section, must treat sablefish as a prohibited species.

(a) In the Bering Sea subarea, defined at § 675.2 of this part, hook-and-line and pot gear may be used to take up to 50 percent of the TAC for sablefish; trawl gear may be used to take up to 50 percent of the TAC for sablefish.

(b) In the Aleutian Islands subarea, defined at § 675.2 of this park, hook-and-line and pot gear may be used to take up to 75 percent of the TAC for sablefish; trawl gear may be used to take up to 25 percent of the TAC for sablefish.

(c) Sablefish closures. (1) When the Regional Director determines that the share of the sablefish TAC assigned to any type of gear for any year and any subarea under this paragraph may be taken before the end of that year, the Regional Director, in order to provide adequate bycatch amounts to ensure continued groundfish fishing activity by that gear group, will, by notice in the FEDERAL REGISTER, prohibit directed fishing for sablefish by persons using that type of gear in that subarea for the remainder of the year.

(2) When the Regional Director determines that the share of the sablefish TAC assigned to any type of gear for any year and any subarea under this paragraph is or will be reached, the Regional Director will, by notice in the FEDERAL REGISTER, require that sablefish be treated as a prohibited species by persons using that type of gear in that subarea for the remainder of that year.

(d) *Marking of gear.* All longline marker buoys carried aboard or used by vessels regulated under this part shall be marked with at least one of the following:

(1) The vessel's name; and

(2) The vessel's Federal permit number; or

(3) The vessel's registration number.

(e) Marking shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water line and shall be maintained in good condition.

[54 FR 50408, Dec. 6, 1989, as amended at 55 FR 33, Jan. 2, 1990]

§ 675.25 Observers.

(a) *Observer Plan.* The operator of a fishing vessel subject to this part, and the manager of a shoreside processing facility that receives groundfish from vessels subject to this part, must comply with the Observer Plan. The owner of a fishing vessel subject to this part or a shoreside processing facility that received groundfish from vessels subject to this part must ensure that the operator or manager complies with the Observer Plan and is jointly and severally liable for compliance with that plan. The Observer Plan has been prepared by the Secretary in consultation with the Council for purposes of providing data useful in management of the groundfish fishery.

(b) *Purpose.* The purpose of this section is to allow observers to collect Alaska fisheries data deemed by the Regional Director to be necessary and appropriate for research, management, and compliance monitoring of the groundfish fisheries, or for other purposes consistent with the Marine Mammal Protection Act, as amended.

(c) *General requirements*—(1) *Compliance by vessels.* An operator of a vessel subject to this part must carry an observer on board the vessel whenever fishing or processing operations are conducted, if the operator is required to do so by the Regional Director.

(2) *Compliance by shoreside processing facilities.* A manager of a shoreside facility that receives groundfish from vessels regulated under this part must have an observer present at the facility whenever groundfish is received, if the manager is required to do so by the Regional Director.

(d) *Responsibilities*—(1) an operator of a vessel must:

(i) Provide, at no cost to the observer or the United States, accommodations on a participating vessel for the observer which are equivalent to those provided for crew members of the participating vessel;

(ii) Maintain safe conditions on the vessel for the protection of the observer during the time the observer is on board the vessel, by adhering to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel and by keeping on board the vessel:

(A) Adequate fire fighting equipment;

(B) One or more life rafts capable of holding all persons on board; and

(C) Other equipment required by regulations pertaining to safe operation of the vessel.

(iii) Allow the observer to use the vessel's communication equipment and personnel on request for the transmission and receipt of messages;

(iv) Allow the observer access to and the use of the vessel's navigation equipment and personnel on request to determine the vessel's position;

(v) Allow the observer free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds and any other space which may be used to hold, process, weigh, or store fish or fish products at any time;

(vi) Notify the observer at least 15 minutes before fish are brought on board or fish and fish products are ransferred from the vessel to allow ampling the catch or observing the ransfer, unless the observer specifically requests not to be notified;

(vii) Allow the observer to inspect and copy the vessel's daily fishing logbook, daily cumulative production logbook, transfer logbook, and any other logbook or document required by regulations, information from which will be kept confidential by the observer under Federal guidelines;

(viii) Provide all other reasonable assistance to enable the observer to carry out his or her duties;

(ix) Move the vessel to such places and at such times as may be designatd by the contractor, as instructed by the Regional Director, for purposes of mbarking and debarking the observr;

(x) Ensure that transfers of observers at sea via small boat or raft are carried out during daylight hours, under safe conditions, and with the agreement of the observer involved;

(xi) Notify the observer at least three hours before an observer is transferred so the observer can collect personal belongings, equipment, and scientific samples;

(xii) Provide a safe pilot ladder and conduct the transfer to ensure the safety of the observer during the transfer; and

(xiii) Provide an experienced crew member to assist the observer in the small boat or raft in which the transfer is made.

(2) A manager of a shoreside processing facility must:

(i) Maintain safe conditions at the processing facility for the protection of the observer by adhering to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of the processing facility;

(ii) Accept and provide for an observer, at no cost to the observer or the United States, for purposes of complying with the Observer Plan;

(iii) Notify the observer on a daily basis of the planned facility operations and expected receipt of groundfish.

(iv) Allow the observer to use the processing facility's communication equipment and personnel on request for the transmission and receipt of messages;

(v) Allow the observer free and unobstructed access to the processing facility's holding bins, processing areas, freezer spaces, weight scales, warehouses and any other space which may be used to hold, process, weigh, or store fish or fish products at any time;

(vi) Allow the observer to inspect and copy the shoreside processing facility's daily cumulative production logbook, transfer logbook, and any other logbook or document required by regulations, information from which will be kept confidential by the observer under Federal guidelines; and

(vii) Provde all other reasonable assistance to enable the observer to carry out his or her duties.

(e) *Prohibited actions.* No person may:

(1) Forcibly assault, resist, oppose, impede, intimidate, or interfere with an observer;

(2) Interfere with or bias the sampling procedure employed by an observer, including sorting or discarding any catch before sampling; or tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer;

(3) Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance, an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties; or

(4) Harass an observer by conduct which has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

[55 FR 4848, Feb. 12, 1990]

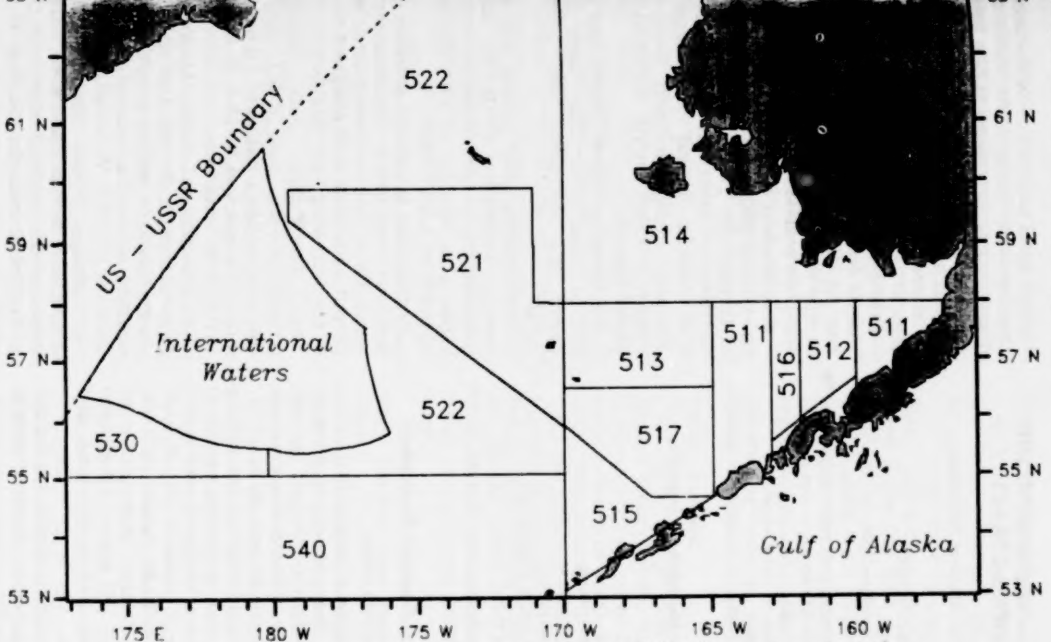

61 N
59 N
57 N
55 N
53 N
175 E
180 W
175 W
170 W
165 W
160 W
522
US – USSR Boundary
International Waters
521
522
530
540
514
513
517
515
511
516
512
511
Gulf of Alaska

Figure 2. Statistical reporting areas in the BS/AI (Amendment 12A)

Bycatch protection zones: Zone 1 = 511 + 512 + 516
Zone 2 = 513 + 517 + 521
Zone 2H = 517

[54 FR 32652, Aug. 9, 1989]

EFFECTIVE DATE NOTE: At 54 FR 32652, Aug. 9, 1989, figure 2 to part 675 was revised, and remains in effect through December 31, 1990.

PART 680—WESTERN PACIFIC PRECIOUS CORALS

Subpart A—General Provisions

Sec.

680.1 Purpose and scope.
680.2 Definitions.
680.3 Relation to other laws.
680.4 Permits.
680.5 Recordkeeping and reporting.
680.6 Vessel identification.
680.7 Prohibitions.
680.8 Facilitation of enforcement.
680.9 Penalties.
680.10 Experimental fishing permits (EFP).

Subpart B—Management Measures

680.20 Seasons.
680.21 Quotas.
680.22 Closures.
680.23 Size restrictions.
680.24 Area restrictions.
680.25 Gear restrictions.
680.26 Test fisheries. [Reserved]

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 48 FR 39231, Aug. 30, 1983, unless otherwise noted.

Subpart A—General Provisions

§ 680.1 Purpose and scope.

(a) The purpose of this part is to implement the Precious Coral Fishery Management Plan developed by the Western Pacific Fishery Management Council under the Magnuson Act.

(b) These regulations govern fishing for precious coral by fishing vessels of the United States within the exclusive economic zone seaward of Hawaii, Guam, and American Samoa and the U.S. Pacific Island possessions of Johnson Atoll, Kingman Reef, and Palmyra, Wake, Jarvis, Howland, and Baker Islands..

(c) For regulations governing fishing for precious coral by foreign vessels, see 50 CFR 611.82.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24660, June 29, 1988; 53 FR 27521, July 21, 1988]

§ 680.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Dead coral means any precious coral that contains holes from borers or is discolored or encrusted at the time of removal from the seabed.

Land or landing means bringing fish to shore or off-loading fish from a vessel.

Live coral means any precious coral that is free of holes from borers, and has no discoloration or encrustation on the skeleton at the time of removal from the seabed.

Management area means the EEZ of the United States seaward of the State of Hawaii, the Territory of Guam, the Territory of American Samoa, and the U.S. Pacific Island possessions of Johnson Atoll, Kingman Reef, and Palmyra, Wake, Jarvis, Howland, and Baker Islands.

Non-precious coral means any species of coral other than those listed under the definition for *precious coral.*

Non-selective gear means any gear used for harvesting corals that cannot discriminate or differentiate between types, size, quality, or characteristics of living or dead corals.

Permit area is used to describe each precious coral bed in the management area. Each bed is designated by a permit area code and assigned to one of the following four categories:

(a) *Established beds. Makapuu* (Oahu), *Permit Area E-B-1,* includes the area within a radius of 2.0 nautical miles of a point at 21°18.0′ N. latitude, 157°35.5′ W. longitude.

(b) *Conditional beds.* (1) *Ke-ahole Point* (Hawaii), *Permit Area C-B-1,* includes the area within a radius of 0.5 nautical miles of a point at 19°46.0′ N. latitude, 156°06.0′ W. longitude.

(2) *Kaena Point* (Oahu), *Permit Area C-B-2,* includes the area within a radius of 0.5 nautical miles of a point at 21°35.4′ N latitude, 158°22.9′ W. longitude.

(3) *Brooks Bank, Permit Area C-B-3,* includes the area within a radius of 2.0 nautical miles of a point at 24°06.0′ N. Latitude, 166°48.0′ W. longitude.

(4) *180 Fathom Bank, Permit Area C-B-4,* N.W. of Kure Atoll, includes the area within a radius of 2.0 nautical miles of a point at 28°50.2′ N. latitude, 178°53.4′ W. longitude.

(c) *Refugia. Westpac Bed, Permit Area R-1,* includes the area within a radius of 2.0 nautical miles of a point at 23°18.0′ N. latitude, 162°35.0′ W. longitude.

(d) *Exploratory areas.* (1) *Permit Area X-P-H* includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the State of Hawaii.

(2) *Permit Area X-P-AS* includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of American Samoa.

(3) *Permit Area X-P-G* includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of Guam.

(4) Permit Area X-P-PI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the U.S. Pacific Island possessions.

Precious coral means any coral of the genus *Corallium* in addition to the following species of corals:

Pink coral (also known as red coral), *Corallium secundum*
Pink coral (also known as red coral), *Corallium regale*
Pink coral (also known as red coral), *Corallium laauense*
Gold coral, *Gerardia sp.*
Gold coral, *Callogorgia gilberti*
Gold coral, *Narella sp.*
Gold coral, *Calyptrophora sp.*
Bamboo coral, *Lepidisis olapa*
Bamboo coral, *Acanella sp.*
Black coral, *Antipathes dichotoma*
Black coral, *Antipathes grandis*
Black coral, *Antipathes ulex*

Regional Director means the Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, or a designee.

Selective gear means any gear used for harvesting corals that can discriminate or differentiate between type, size, quality, or characteristics of living or dead corals.

U.S.-harvested coral means coral caught, taken, or harvested by vessels of the United States within any fishery for which a fishery management plan has been implemented under the Magnuson Act.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24655, June 29, 1988; 53 FR 27521, 27523, July 21, 1988]

§ 680.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) This part recognizes that any State law pertaining to vessels registered under the laws of that State, including any State landing laws, which is consistent with the Precisous Coral Management Plan, will continue to have force and effect respecting fishing activities addressed in this part.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24655, June 29, 1988]

§ 680.4 Permits.

(a) *General.* (1) Any vessel of the United States fishing for, taking, or retaining precious coral in the management area must have a permit issued under this section.

(2) Each permit will be valid for fishing only in the permit area specified in the permit. Permit areas are described in § 680.2.

(3) No more than one permit will be valid for any one vessel at any one time.

(4) No more than one permit will be valid for any one person at any one time.

(5) The holder of a valid permit to fish one permit area may obtain a permit to fish another permit area only upon surrendering to the Regional Director any current permit issued under this section.

(b) *Applications.* (1) An application for a permit under this section must be submitted to the Regional Director by the vessel owner or operator at least 60 days prior to the date on which the applicant desires to have the permit made effective.

(2) Each applicant must supply the following information to the Regional Director when applying for a permit. Each application must be signed by the vessel owner or operator and contain the following information:

(i) The applicant's name, mailing address, and telephone number;

(ii) The owner's name, mailing address, and telephone number;

(iii) The operator's name, mailing address, and telephone number;

(iv) The name of the vessel;

(v) The vessel's U.S. Coast Guard documentation number or State license number;

(vi) The radio call sign of the vessel;

(vii) The home port of the vessel;

(viii) The engine horsepower of the vessel;

(ix) The approximate fish-hold capacity of the vessel;

(x) The type and quality of fishing gear used by the vessel;

(xi) The permit area in which the applicant proposes to fish;

(xii) Whether the application is for a new permit or a renewal; and

(xiii) The number and expiration date of any prior permit for the vessel issued under this section.

(c) *Fees.* No fee is required for a permit under this section.

(d) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director ten days prior to the effective date of the change.

(e) *Issuance.* (1) Within 60 days after receipt of a properly completed application the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant in writing of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(f) *Expiration.* Permits issued under this section expire on June 30 following the effective date of the permit.

(g) *Renewal.* An application for a renewal of a permit must be submitted to the Regional Director in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit which has been substantially altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit will not be considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other persons. A permit is valid only for the vessel for which it i issued.

(k) *Display.* Any permit issued unde this section must be on board th vessel at all times while the vessel i fishing for coral in the EEZ. Any permit issued under this section mus be displayed for inspection upon request of any authorized officer.

(l) *Sanctions.* Procedures governin permit sanctions and denials are found at subpart D of 15 CFR part 904.

[48 FR 39231, Aug. 30, 1983, as amended a 49 FR 1044, Jan. 6, 1984; 53 FR 27523, July 21, 1988]

§ 680.5 Recordkeeping and reporting.

(a) *Logbook.* The operator of any fishing vessel fishing for precious coral subject to this part must—

(1) Maintain on board the fishing vessel, while fishing for precious coral, an accurate and complete fishing logbook in the required format supplied by the Regional Director, recording all information specified in paragraph (b) of this section with all information entered by midnight of the day following the day on which the coral was taken;

(2) Make the fishing logbook available for inspection by an authorized officer or any employee of the National Marine Fisheries Service designated by the Regional Director to make such inspection;

(3) Within 72 hours of each landing of precious coral, submit to the Regional Director a copy of the log sheet(s) pertaining to that precious coral.

(b) *Information.* Fishing logbooks must contain the following information for all precious coral taken under this part:

(1) *Vessel information.*

(i) Name of vessel;

(ii) Call sign of vessel; and

(iii) Permit number of vessel.

(2) *Fishing information.*

(i) Date of harvest;

(ii) Fishing effort in hours;

(iii) Method of harvest;

(iv) Area fished;

(v) Depth of water;

(vi) Weight of coral harvested, by species, to the nearest tenth of a kilogram (landed weight, air dried for at least 24 hours); and

(vii) Observations that may be made about the habitat (current, bottom type, bottom topography, bottom slope, proximity to land, etc.).

(3) *Sale information.*

(i) Amount of coral sold (by species);

(ii) Sale price;

(iii) Date of sale;

(iv) Name(s) and address(es) of buyer(s); and

(4) Any other information specified in the permit.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 27523, July 21, 1988]

§ 680.6 Vessel identification.

(a) *Permit number.* Each fishing vessel subject to this part must display its permit number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) *Numerals.* The permit number must be affixed to each vessel subject to this part in block Arabic numerals at least 14 inches in height for fishing vessels of 65 feet in length or longer and at least ten inches in height for all other vessels. Markings must be legible and of a color that contrasts with the background.

(c) *Duties of operator.* The operator of each fishing vessel subject to this part must—

(1) Keep the displayed permit number legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the permit number from an enforcement vessel or aircraft.

§ 680.7 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(1) Use any vessel to fish for, take, or retain precious coral in the management area unless a permit has been issued for that vessel and area as specified in § 680.4 and that permit is on board the vessel.

(2) Fish for, take, or retain any species of precious coral in the management area:

(i) By means of gear or methods prohibited by § 680.25;

(ii) In refugia specified in § 680.24;

(iii) In a bed for which the quota specified in § 680.21 has been attained; or

(iv) In violation of any permit issued under § 680.4.

(3) Take and retain or possess on fishing vessels any pink coral from the Makapuu Bed (Permit Area E-B-1), Keahole Point Bed (Permit Area C-B-1), or Kaena Point Bed (Permit Area C-B-2) which is less than the minimum height specified in § 680.23.

(4) Falsify or fail to make, keep, maintain, or submit any logbook or other record or report required by § 680.5.

(5) Fail to affix and maintain vessel markings, as required by § 680.6.

(b) It is a rebuttable presumption that any precious coral found on board a fishing vessel in the management area was caught and retained in violation of this part. The presumption can be rebutted by showing that—

(1) A valid permit was issued for the vessel, which was operating under the terms of the permit, or

(2) The coral originated outside the management area through receipts of purchase, invoices, or other documentation.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24659, June 29, 1988]

§ 680.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 680.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

§ 680.10 Experimental fishing permits (EFP).

(a) *General.* The Secretary may authorize the direct or incidental harvest of precious coral managed by the FMP which would otherwise be prohibited in exploratory areas by this part. No experimental fishing may be conducted unless authorized by an experimental fishing permit (EFP) issued by the Secretary to a vessel owner for a specific vessel in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Application.* An application for an EFP may be submitted by the owner of a vessel or a representative of the owner. An applicant for an EFP shall submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage;

(vii) Gross tonnage;

(viii) Radio call sign;

(ix) Engine horsepower; and

(x) Approximate fish hold capacity.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(c) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the FEDERAL REGISTER with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State(s).

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council, the U.S. Coast Guard, and the Director of the affected State(s) fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary shall notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose information or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish, including precious coral, in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

The Secretary will publish a
in the FEDERAL REGISTER an-
ing the decision to grant or deny
P. If the permit is granted, the
AL REGISTER notice will describe
xperimental fishing to be con-
d under the EFP. The Secretary
tach terms and conditions to the
consistent with the purpose of
xperiment to ensure consistency
the FMP and to ensure that the
iment does not undermine ef-
to conserve and manage the re-
. Terms and conditions may in-
but are not limited to, the fol-
g:

The maximum amount of each
s which can be harvested and
d during the term of the EFP, in-
g trip limits, where appropriate;

The number, sizes, names, and
fication numbers of the vessels
rized to conduct fishing activi-
nder the EFP;

The time(s) and place(s) where
imental fishing may be conduct-

The type, size, and amount of
which may be used by each vessel
ted under the EFP;

The condition that observers be
d aboard vessels operated under
P;

Data reporting requirements, in-
g a requirement to report peri-
ly and at the termination of the
t, the amount of each species
was harvested; and

Such other conditions as may
cessary to ensure consistent with
urposes of the EFP compliance
the FMP, including the objec-
to generate new information
d for resource management and
event overfishing and waste of
source.

Duration. The effective period of
ermit will be specified by the Sec-
in the terms of the EFP. An
may be renewed by following the
cation procedures in this section.

Alteration. Any permit that has
altered, erased, or mutilated is in-

Transfer. EFPs issued under this
re not transferable or assignable.
FP is valid only for the vessel(s)
hich it is issued.

(g) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(h) *Surrender.* Upon issuance of an EFP the applicant must surrender to the Regional Director any permit to fish for precious coral that was issued under § 680.4 of this part.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated under this Act, will be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP for enforcement reasons will be governed by 15 CFR part 904, subpart D.

(j) *Permit modification.* Where circumstances have changed such that a permittee desires to modify any term or condition of an EFP, the permittee must submit, to the Regional Director, a written request which provides full justification and supporting information for the proposed modification. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in paragraph (c) of this section. Modifications to an EFP which are of a technical nature only and do not affect the substance of the fishing activity authorized by the EFP may be approved by the Regional Director without the notice and consultation provided for in paragraphs (c)(1) and (2) of this section.

(k) *Appeals of administrative action.* (1) Except as provided in subpart D of 15 CFR part 904, an applicant for a permit or a permit holder may appeal the denial or conditioning of a permit under § 680.10 to the Assistant Administrator for Fisheries, NOAA. In order to be considered by the Assistant Administrator, such appeal must be in writing, must state the action(s) appealed, and the reasons therefor, and must be submitted within 30 days of the action(s) by the Regional Director.

The appellant may request an informal hearing on the appeal.

(2) Upon receipt of an appeal authorized by this section, the Assistant Administrator may request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Assistant Administrator will decide the appeal in accordance with the criteria set out in this part, as appropriate, based upon information relative to the application on file at the NMFS and the Western Pacific Fishery Management Council and any additional information, the summary record kept of any hearing and the hearing officer's recommended decision, if any, as provided in paragraph (k)(3) of this section, and such other considerations as deemed appropriate. The Assistant Administrator will notify all interested persons of the decision, and the reason(s) therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(3) If a hearing is requested, or if the Assistant Administrator determines that one is appropriate, the Assistant Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place and subject matter of the hearing in the FEDERAL REGISTER. A hearing will normally be held no later than 30 days following publication of the notice in the FEDERAL REGISTER unless the hearing officer extends the time for reasons deemed equitable. The appellant and, at the discretion of the hearing officer, other interested persons, may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in writing a decision to the Assistant Administrator.

(4) The Assistant Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Assistant Administrator will notify interested persons of the decision, and the reason(s) therefor, in writing within 30 days of receipt of the hearing officer's recommended decision. The Assistant Administrator's action shall constitute final action for the agency for the purposes of the Administrative Procedure Act.

(5) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Assistant Administrator for good cause, either upon his or her own motion or upon written request from the appellant stating the reason(s) therefor.

(l) *Protected species.* Vessels fishing under an EFP are required to report any incidental take of, or fisheries interaction with, protected species in the fishing logbook described in § 680.5. As required by that section, copies of logbook sheets must be submitted to the Regional Director within 3 days of arriving in port.

[53 FR 27521, July 21, 1988]

Subpart B—Management Measures

§ 680.20 Seasons.

The fishing year for precious coral begins on July 1 and ends on June 30 the following year, except at the Makapuu Bed, which has a two-year fishing period that begins July 1 and ends June 30 two years later.

§ 680.21 Quotas.

(a) The quotas limiting the amount of precious coral that may be taken in the management area during the fishing year are listed in Table 1 of this section. Only live coral is counted toward the quota. The accounting period for all quotas begins July 1, 1983.

TABLE 1—QUOTAS FOR PERMIT AREAS

Name of coral bed	Type of bed	Harvest quota [a]	Number of years	Gear restrictions [c]
Makapuu	Established.	Pink coral—2,000 kg.	2	S
		Gold coral—600 kg.	2	S
		Bamboo coral—600 kg.	2	S

TABLE 1—QUOTAS FOR PERMIT AREAS—Continued

Name of coral bed	Type of bed	Harvest quota [a]	Number of years	Gear restrictions [d]
Ke-ahole Point	Conditional..	Pink coral—67 kg.	1	S
		Gold coral—20 kg.	1	S
		Bamboo coral—17 kg.	1	S
Kaena Point	Conditional..	Pink coral—67 kg.	1	S
		Gold coral—20 kg.	1	S
		Bamboo coral—17 kg.	1	S
Brooks Bank [b]	Conditional..	Pink coral [b]—17 kg.	1	N
		Gold coral—133 kg.	1	N
		Bamboo coral—111 kg.	1	N
180 Fathom Bank [b]	Conditional..	Pink coral [b]—222 kg.	....	N
		Gold coral—67 kg.	1	N
		Bamboo coral—56 kg.	1	N
Westpac Bed	Refugia........	Zero (0 kg)..	....	(e)
Hawaii, American Samoa, Guam, U.S. Pacific Island possessions	Exploratory.[c]	1,000 kg (all species combined except black corals) per area.	1	N

[a] There are no restrictions under this part on the harvest of lack corals, except the data submission requirements §680.5). State regulations on black coral harvesting are not uperseded by this part.

[b] Only ⅕ the indicated amount is allowed if nonselective ear is used, that is the nonselective harvest will be multilied by 5 and counted against the quota. If both selective nd nonselective methods are used, the bed will be closed hen $S+5N=Q$, where S=selective harvest amount, N=nonselective harvest amount and Q=total harvest quota, or any single species on that bed.

[c] Only selective gear may be used in the EEZ seaward of he main Hawaiian Islands; i.e., south and east of a line idway between Nihoa and Niihau Islands. Nonselective ear or selective gear may be used in all other portions of xploratory areas.

[d] S=Selective gear only; N=Nonselective or selective ear.

[e] No authorized fishing for coral.

(b) *Conditional bed closure.* A conditional bed will be closed to all nonselective coral harvesting after the quota for one species of coral has been taken.

(c) *Reserves and reserve release.* The quotas for exploratory areas will be held in reserve for harvest by vessels of the United States in the following manner:

(1) At the start of the fishing year, the reserve for each of the three exploratory areas will equal the quota minus the estimated domestic annual harvest for that year.

(2) As soon as practicable after December 31 each year, the Regional Director will determine the amount harvested by vessels of the United States between July 1 and December 31 of that year.

(3) The Secretary will release to TALFF (the total allowable level of foreign fishing) an amount of precious coral for each exploratory area equal to the quota minus two times the amount harvested by vessels of the United States in that July 1 through December 31 period.

(4) The Secretary will publish in the FEDERAL REGISTER a notice of the Regional Director's determination and a summary of the information on which it is based as soon as practicable after the determination is made.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24659, June 29, 1988; 53 FR 27523, July 21, 1988]

§ 680.22 Closures.

(a) *Determinations of closure and field orders.* If the Regional Director determines that the harvest quota for any coral bed will be reached prior to the end of the fishing year, or of the two-year fishing period at Makapuu bed, the Secretary will issue a field order closing the bed involved by publication of a notice in the FEDERAL REGISTER, and through appropriate news media. Such field order must indicate the reason for the closure, the bed being closed, and the effective date of the closure.

(b) A closure is also effective for a permit holder upon the permit holder's actual harvest of the applicable quota.

§ 680.23 Size restrictions.

Pink coral harvested from the Makapuu bed (E-B-1), the Keahole Point bed (C-B-1), and the Kaena Point bed (C-B-2), must have attained a minimum height of ten inches. There are no size limits for precious coral from other beds or other species.

§ 680.24 Area restrictions.

Fishing for coral on the WestPac bed is not allowed. The specific area closed to fishing is all waters within a 2 nautical mile radius of the midpoint of 23° 18.0′ N. latitude; 162° 35.0′ W. longitude.

§ 680.25 Gear restrictions.

(a) *Selective gear.* Only selective gear may be used to harvest coral from the EEZ of the main Hawaiian Islands, i.e., south and east of a line midway between Niihau and Nihoa Islands.

(b) *Selective or non-selective gear.* Either selective or non-selective gear may be used to harvest coral from Brooks Bank, 180 Fathom Bank, and from exploratory areas other than the EEZ off the main Hawaiian Islands.

[48 FR 39231, Aug. 30, 1983, as amended at 53 FR 24660, June 29, 1988]

§ 680.26 Test fisheries. [Reserved]

PART 681—WESTERN PACIFIC CRUSTACEAN FISHERIES

Subpart A—General Provisions

Sec.
681.1 Purpose and scope.
681.2 Definitions.
681.3 Relation to other laws.
681.4 Permits.
681.5 Recordkeeping and reporting.
681.6 Vessel identification.
681.7 Prohibitions.
681.8 Facilitation of enforcement.
681.9 Penalties.
681.10 Observers.

Subpart B—Management Measures for Permit Area 1 (the Northwestern Hawaiian Islands)

681.20 General.
681.21 Size restrictions.
681.22 Reproductive condition restrictions.
681.23 Closed areas (refugia).
681.24 Gear restrictions.
681.25 Landing requirements.
Sec.
681.26 Experimental fishing.
681.27 Monk seal protective measures.
681.28 Monk seal emergency protecti measures.

Subpart C—Management Measures for Permi Area 2 (the main Hawaiian Islands)

681.30 General.
681.31 Size restrictions.
681.32 Reproductive condition restrictions
681.33 Closed season.
681.34 Gear restrictions.
681.35 Lobster condition.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 681.1 Purpose and scope.

(a) The purpose of this part is to in plement the Fishery Managemer Plan for the Crustacean Fisheries the Western Pacific Region (FMP) d veloped by the Western Pacific Fis ery Management Council under th Magnuson Act.

(b) These regulations govern con mercial fishing for spiny and slipp lobsters by fishing vessels of th United States within the U.S. EEZ se ward of American Samoa, Guam, an Hawaii. The management measur specified in subpart B apply only the EEZ seaward of the Northwester Hawaiian Islands (Permit Area 1). Th management measures specified subpart C apply only in the EEZ se ward of the main Hawaiian Island (Permit Area 2).

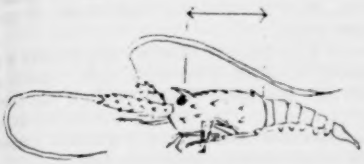
[52 FR 47574, Dec. 15, 1987, as amended 53 FR 24659, 24660, June 29, 1988]

§ 681.2 Definitions.

In addition to the definitions in th Magnuson Act and in § 620.2 of thi chapter, the terms used in this pa have the following meanings:

Carapace length means a measur ment in a straight line from the ridg between the two largest spines abov the eyes, back to the rear edge of th carapace of a spiny lobster (see Figur 1).

FIGURE 1. METHOD OF MEASURING CARAPACE LENGTH



Closed area means an area of the EEZ that is closed to fishing for lobster.

Commercial fishing means fishing with the intent to sell all or part of the catch of lobsters. All lobster fishing in the Northwestern Hawaiian Islands (Permit Area 1) is considered commercial fishing.

Interested parties means the State of Hawaii Department of Land and Natural Resources, the Western Pacific Fishery Management Council, holders of permits issued under this part, and any person who has notified the Regional Director of his or her interest in the procedures and decisions described in §§ 681.27 and 681.28 and who has specifically requested to be considered an *interested party.*

Kona crab means a crustacean of the species *Ranina ranina.*

Land or Landing means bringing fish to shore or off-loading fish from a fishing vessel.

Management Area means the EEZ of the United States seaward of the Territory of American Samoa, the Territory of Guam, and the State of Hawaii.

Permit Area 1 means the EEZ of the Hawaiian Islands Archipelago lying to the west of 161°0′W. longitude, commonly known as the Northwestern Hawaiian Islands.

Permit Area 2 means the EEZ of the Hawaiian Islands Archipelago lying to the east of 161°00′ W. longitude, commonly known as the main Hawaiian Islands;

Permit Area 3 means the EEZ of the Territory of Guam and the EEZ of the Territory of American Samoa.

Permit Number means the number issued to a vessel under this part by the NMFS.

Processing means changing the form of a product through such methods as freezing, cleaning, or removing tails. It does not include the boxing or packaging of a product.

Processor means any person that changes the form of a lobster through such methods as freezing, cleaning, or removing tails. It does not include a person that only boxes or packages lobster or lobster parts. It also does not include a person that catches lobsters and processes them at sea.

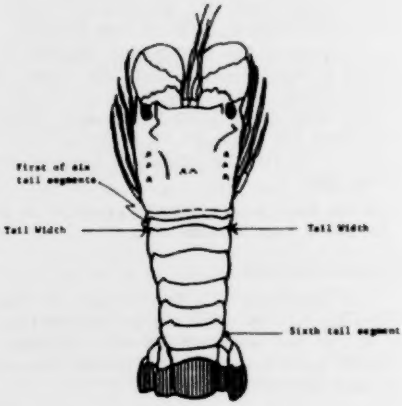
Regional Director means Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

Slipper lobster means any crustacean of the genus *Scyllaridae.*

Spiny lobster means either of the following two species of crustaceans: *Panulirus marginatus* or *Panulirus penicillatus.*

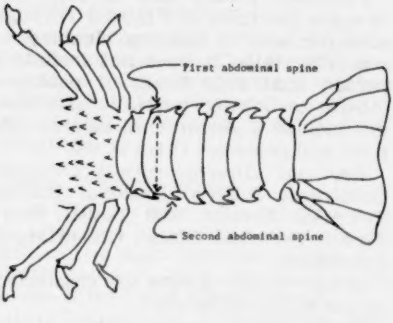
Tail width of slipper lobster means the straight line distance across the tail measured as the widest spot between the first and second tail segments. (See figure 2).

FIGURE 2. TAIL WIDTH OF SLIPPER LOBSTER



Tail width of spiny lobster means the straight line distance across the tail measured at the widest spot between the first and second abdominal spines (see figure 3).

FIGURE 2. TAIL WIDTH



Trap means a box-like device used for catching and holding lobsters.

U.S.-harvested lobster means lobster caught, taken, or harvested by vessels of the United States within the Management Area.

[48 FR 5562, Feb. 7, 1983, as amended at 48 FR 52924, Nov. 23, 1983; 51 FR 8508, Mar. 12, 1986; 52 FR 9497, Mar. 25, 1987; 52 FR 47575, Dec. 15, 1987; 53 FR 24655, June 29, 1988]

§ 681.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) Any State law which applies to vessels registered under the laws of that State and which is consistent with this part (including any State landing law) continues in effect with respect to fishing activities covered by this part.

[48 FR 5562, Feb. 7, 1983 as amended at 53 FR 24655, June 29, 1988]

§ 681.4 Permits.

(a) *General.* (1) Any vessel of the United States engaged in commercial fishing for lobsters in the Management Area must have a permit issued under this section.

(2) Each permit is valid for fisl
only in the area specified in
permit. Permit areas are definec
§ 681.2.

(3) Only one permit issued ur
this part is valid for one vessel at
one time.

(4) The holder of a permit allowi
vessel to fish one area may obta
permit for that vessel to fish ano
area upon surrendering to the Reg
al Director any current permit is
for that vessel under this part.

(b) *Applications.* (1) An applica
for a permit under this section n
be submitted to the Regional Dire
by the vessel owner or operato
least 15 days before the date on w
the applicant desires to have
permit made effective.

(2) Each application must be sub
ted on an appropriate form which
be obtained from the Regional D
tor. Each application must be sig
by the vessel owner or operator
contain the following information:

(i) The applicant's name;

(ii) The owner's name, mailing
dress, and telephone number;

(iii) The operator's name, mai
address, and telephone number;

(iv) The name of the vessel;

(v) The vessel's official number;

(vi) The radio call sign of the ve

(vii) The home port of the vessel;

(viii) The engine horsepower of
vessel;

(ix) Date of purchase of the vesse

(x) The gross registered tons of
vessel;

(xi) The registered length of
vessel;

(xii) The purchase price of
vessel;

(xiii) The age of the vessel;

(xiv) The vessel hold capacity;

(xv) The refrigeration types and
pacity;

(xvi) Fuel capacity;

(xvii) Types and amounts of fish
gear employed;

(xviii) The permit area in which
applicant proposes to fish;

(xix) Whether the application is
a new permit or a renewal;

(xx) The number and expirat
date of any prior permit for the ve
issued under this part; and

(xxi) Any other fishery management data requested by the Regional Director.

(c) *Fees.* No fee is required for a permit under this section.

(d) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director ten days before the effective date of the change.

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant in writing of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(f) *Expiration.* Permits issued under this section expire on the June 30 following the effective date of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Regional Director in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been substantially altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other persons. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is fishing for lobster in the EEZ. Any permit issued under this section must be displayed for inspection upon request of any Authorized Officer.

(l) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

[48 FR 5562, Feb. 7, 1983, as amended at 48 FR 52924, Nov. 23, 1983; 49 FR 1044, Jan. 6, 1984; 52 FR 47575, Dec. 15, 1987; 53 FR 52999, Dec. 30, 1988]

§ 681.5 Recordkeeping and reporting.

(a) *Reports.* The operator of any vessel engaged in commercial fishing for lobster subject to this part must—

(1) Maintain on board the fishing vessel, while fishing for lobster, an accurate and complete NMFS Daily Lobster Catch Report in English. All information specified in paragraph (b) of this section must be recorded within 24 hours after the completion of the fishing day.

(2) Within 72 hours of each landing of lobsters, submit to the Regional Director the NMFS Daily Lobster Catch Report for that fishing trip.

(3) Maintain an accurate and complete NMFS Lobster Report for Transshipment and Sales in which is recorded the information specified in paragraph (c) of this section.

(4) Within 72 hours of each landing of lobsters, submit to the Regional Director the NMFS Lobster Report for Transshipment and Sales covering all lobsters that have been sold. For any lobsters that have not been sold within 72 hours of landing, the operator must submit a supplemental NMFS Lobster Report for Transshipment and Sales within 72 hours of each subsequent sale of the remaining lobsters.

(5) Make the Daily Lobster Report and the Lobster Report for Transshipment and Sales available for inspection by an authorized officer or any employee of NMFS designated by the Regional Director to make such an inspection.

(b) *Daily Lobster Catch Report.* The Daily Lobster Catch Report must contain the following information for all lobsters taken under this part:

(1) Vessel information—

(i) Name of vessel;

(ii) Permit number of vessel; and

(iii) Size of crew.

(2) Fishing information—

(i) Location of lobster catch by statistical area as depicted in the NMFS Daily Lobster Catch Report form;

(ii) Date and time of trap deployment and number of traps deployed;

(iii) Date and time of trap retrieval and number of traps retrieved;

(iv) Number and species of legal spiny lobsters and number of legal slipper lobsters caught per trap deployment;

(v) Number and species of sublegal spiny lobsters and number of sublegal slipper lobsters caught per trap deployment;

(vi) Number and species of berried female spiny lobsters and number of berried female slipper lobsters caught per trap deployment;

(vii) Number of Kona crabs per trap deployment;

(viii) Number of octopus and other species per trap deployment;

(ix) Any other fishery management data requested by the Regional Director.

(3) Endangered species information:

(i) Whether monk seals or sea turtles are observed in the fishing area;

(ii) Whether monk seals or sea turtles are observed in the vicinity of the fishing gear;

(iii) Whether monk seals or sea turtles interfere with fishing operations;

(iv) Whether monk seals or sea turtles prey on released lobsters;

(v) Whether monk seals or sea turtles are entangled but released alive; and

(vi) Whether monk seals or sea turtles are entangled but released dead.

(c) *Lobster Report for Transshipment and Sales.* The Lobster Report for Transshipment and Sales must contain the following information for all lobsters taken under this part:

(1) Vessel information—

(i) Name of vessel; and

(ii) Permit number.

(2) Landing information—

(i) Date of landing; and

(ii) Port of landing.

(3) Sales Information—

(i) Weight and revenue from sale of spiny lobsters by product type;

(ii) Weight and revenue from sale of slipper lobsters by product type;

(iii) Weight and revenue from sale of octopus by product type; and

(iv) Weight and revenue from sale of other fishery products by product type.

(4) Transshipment Information (for lobster products that have not been sold but have been placed in storage or transshipped elsewhere for future sale)—

(i) Weight of spiny lobsters by product type; and

(ii) Weight of slipper lobsters by product type.

[48 FR 5562, Feb. 7, 1983, as amended at 48 FR 52924, Nov. 23, 1983; 52 FR 47575, Dec. 15, 1987; 53 FR 52999, Dec. 30, 1988]

§ 681.6 Vessel identification.

(a) *Permit number.* Each fishing vessel subject to this part must display its permit number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) *Numerals.* The permit number must be affixed to each vessel subject to this part in block Arabic numerals at least 18 inches in height for fishing vessels of 65 feet in length or longer, and at least ten inches in height for other vessels. Markings must be legible and of a color that contrasts with the background.

(c) *Duties of operator.* The operator of each fishing vessel subject to this part must—

(1) Keep the displayed permit number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the permit number from an enforcement vessel or aircraft.

[48 FR 52924, Nov. 23, 1983]

§ 681.7 Prohibitions.

(a) In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(1) Use any vessel to fish for lobster in a permit area unless a permit has been issued for that vessel and area as specified in § 681.4, and that permit is aboard the vessel.

(2) Falsify or fail to make, keep, maintain, or submit any logbook or other record or report required by § 681.5.

(3) Fail to affix and maintain vessel markings, as required by § 681.6.

(4) Refuse to carry an observer when requested to do so by the Regional Director under § 681.10.

(5) Fail to provide the 48-hour notice required by § 681.10(b).

(b) In Permit Area 1, in addition to the prohibitions in paragraph (a) of this section, It is unlawful for any person to:

(1) Fish for, take, or retain lobsters:

(i) By methods other than lobster traps or by hand for lobsters, as specified in § 681.24, or

(ii) From closed areas for lobsters, as specified in § 681.23.

(2) Retain or possess on a fishing vessel any lobster or tail which is less than the minimum size specified in § 681.21.

(3) Possess on a fishing vessel any lobster taken in Permit Area 1 in a condition such that its tail width cannot be determined.

(4) Retain or possess on a fishing vessel, or remove the eggs from, any egg-bearing lobster, as specified in § 681.22.

(5) Fail to report before landing, as specified in § 681.25.

(6) Fail to comply with any protective measures promulgated under § 681.26 or § 681.27.

(c) In Permit Area 2, in addition to the prohibitions in paragraph (a) of this section, it is unlawful for any person to—

(1) Fish for, take, or retain lobsters—

(i) By methods other than lobster traps or by hand, as specified in § 681.34; or

(ii) In the months of June, July, and August, as specified in § 681.33.

(2) Retain or possess on a fishing vessel any lobster taken in Permit Area 2 which is less than the minimum size specified in § 681.31.

(3) Possess on a fishing vessel any lobster or lobster part taken in Permit Area 2 in a condition where the lobster is not whole and undamaged as specified in § 681.35.

(4) Retain or possess on a fishing vessel, or remove the eggs from, any egg-bearing lobster, as specified in § 681.32.

[48 FR 5562, Feb. 7, 1983, as amended at 48 FR 52925, Nov. 23, 1983; 51 FR 8508, Mar. 12, 1986; 52 FR 9497, Mar. 25, 1987; 52 FR 47575, Dec. 15, 1987; 53 FR 24659, June 29, 1988]

§ 681.8 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 681.9 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

§ 681.10 Observers.

(a) All fishing vessels subject to this part must carry an observer when requested to do so by the Regional Director.

(b) The operator of a fishing vessel subject to this part shall notify the Regional Director of his departure 48 hours before leaving port to fish for lobster in the Management Area. The operator shall provide this notice by contacting NMFS, Western Pacific Program Office, telephone (808) 955-8831, 2570 Dole Street, Honolulu, HI.

[48 FR 5562, Feb. 7, 1983, as amended at 52 FR 47575, Dec. 15, 1987]

Subpart B—Management Measures for Permit Area 1 (the Northwestern Hawaiian Islands)

§ 681.20 General.

The management measures specified in this subpart govern fishing for lobster in the EEZ seaward of the Northwestern Hawaiian Islands (Permit Area 1).

[48 FR 5562, Feb. 7, 1983, as amended at 52 FR 9497, Mar. 25, 1987; 52 FR 47575, Dec. 15, 1987]

§ 681.21 Size restrictions.

Only spiny lobsters with a tail width of 5.0 cm or greater and slipper lobsters with a tail width of 5.6 cm or greater may be retained.

[52 FR 47575, Dec. 15, 1987]

§ 681.22 Reproductive condition restrictions.

A female lobster of any size may not be retained if it is carrying eggs externally. Eggs may not be removed from female lobsters.

[48 FR 5562, Feb. 7, 1983, as amended at 52 FR 47575, Dec. 15, 1987]

§ 681.23 Closed areas (refugia).

(a) All lobster fishing is prohibited within 20 nautical miles of Laysan Island.

(b) All lobster fishing is prohibited within the EEZ landward of the 10 fathom curve as depicted on National Ocean Survey Charts, Numbers 19022, 19019, 19016.

[52 FR 9497, Mar. 25, 1987, as amended at 52 FR 47575, Dec. 15, 1987]

§ 681.24 Gear restrictions.

(a) Lobsters may be taken only with lobster traps or by hand. Lobsters may not be taken by means of poisons, drugs, other chemicals, spears, nets, hook, or explosives.

(b) The smallest opening of an entryway of any lobster trap may not allow any sphere or cylinder greater than 6.5 inches in diameter to pass from outside the trap to inside the trap.

(c) Each lobster trap must have a minimum of two escape vent panels that meet the following requirements:

(1) Panels must have at least four unobstructed circular holes no smaller than 67 millimeters (mm) in diameter with centers at least 82 mm apart.

(2) The lowest part of any opening in an escape vent panel must not be more than 85 mm above the floor of the trap.

(3) Panels must be placed opposite one another in each trap.

(d) It is unlawful to have on board a vessel fishing for or in possession of lobster, any trap that does not meet the requirements of paragraphs (a), (b), and (c) of this section.

[48 FR 5562, Feb. 7, 1983, as amended at 49 FR 408, Jan. 4, 1984; 52 FR 47575, Dec. 15, 1987; 53 FR 52999, Dec. 30, 1988]

§ 681.25 Landing requirements.

The operator of a fishing vessel that has taken lobsters in the EEZ off the Northwestern Hawaiian Islands shall contact the U.S. Coast Guard, by radio or otherwise, at the 14th District, Honolulu, HI (Telex: 392401); Pacific Area, San Francisco, CA (Telex: 330427); or 17th District, Juneau, AK (Telex: 45305), at least 24 Hours before landings, and report the port, the approximate date, and time
which the lobsters will be landed.

[48 FR 5562, Feb. 7, 1983, as amended at
FR 47575, Dec. 15, 1987]

§ 681.26 Experimental fishing.

(a) *General.* The Secretary may a
thorize experimental fishing for lo
ster which would otherwise be prohi
ited by this part. No experiment
fishing may be conducted unless
NMFS scientific observer is aboard t
vessel.

(b) *Council review.* Before author
ing experimental fishing, the Sec
tary will submit to the Western Paci
Fishery Management Council a Co
of the Plan under which the expe
mental fishing will be conducted, a
request the Council's comments.

(c) *Implementation.* After authori
tion by the Secretary, as demonstrat
by the placement of an NMFS scient
ic observer on a vessel, the vessel m
fish in accordance with the plan
scribed in paragraph (b) of this secti

[48 FR 5562, Feb. 7, 1983, as amended at
FR 47575, Dec. 15, 1987]

§ 681.27 Monk seal protective measures.

(a) *General.* This section establish
a procedure which will be followed
the Regional Director receives
report of a monk seal death that
pears to be related to the lobster fis
ery in Permit Area 1.

(b) *Notification.* Upon receipt of
report of a monk seal death that
pears to be related to the lobster fis
ery, the Regional Director will not
all interested parties of the fa
known about the incident. He will a
notify them that an investigation is
progress, and that, if the investigat
reveals a threat of harm to the mo
seal population, protective measu
may be implemented.

(c) *Investigation.* The Regional
rector will investigate the incident
ported and will attempt:

(1) To verify that the incident
curred;—

(2) To determine the extent of t
harm to the monk seal population;

(3) To determine the probability o
similar incident recurring;

(4) To determine details of the in
dent such as:

(i) The number of animals involved,

(ii) The cause of the mortality,

(iii) The age and sex of the dead animals,

(iv) The relationship of the incident to the reproductive cycle, for example, breeding season (March-September), non-breeding season (October-February),

(v) The population estimates or counts of animals at the island where the incident occurred, and

(vi) Any other relevant information;

(5) To discover and evaluate any extenuating circumstances; and

(6) To evaluate any other relevant factors.

The Regional Director will make the results of his investigation available to the interested parties and request their advice and comments.

(d) *Determination of relationship.* The Regional Director will review and evaluate the results of the investigation and any comments received from interested parties. If there is substantial evidence that the death of the monk seal was related to the lobster fishery, the Regional Director will:

(1) Advise the interested parties of his conclusion and the facts upon which it is based; and

(2) Request from the interested parties their advice on the necessity of protective measures and suggestions of appropriate protective measures.

(e) *Determination of response.* The Regional Director will consider all relevant information discovered during the investigation or submitted by interested parties in deciding on the appropriate response. Protective measures may include, but are not limited to, changes in trap design, changes in gear, closures of specific areas, or closures for specific periods of time.

(f) *Action by the Regional Director.* If the Regional Director decides that protective measures are necessary and appropriate, the Regional Director will:

(1) Prepare a document which describes the incident, the protective measures proposed, and the reasons for the protective measures;

(2) Provide it to the interested parties; and

(3) Request their comments.

(g) *Implementation.* (1) If, after completing the steps described in paragraph (f) of this section, the Regional Director still thinks that protective measures are necessary and appropriate, he will recommend the protective measures to the Administrator and provide notice of this recommendation to the Chairman of the Western Pacific Fishery Management Council and the Director of the Division of Aquatic Resources, Department of Land and Natural Resources, State of Hawaii.

(2) If the Administrator concurs with the Regional Director's recommendation, a notice will be published in the FEDERAL REGISTER which includes:

(i) The protective measures;

(ii) The reasons for the protective measures; and

(iii) A description of the incident that triggered the procedure described in this section.

(h) *Notification of no action.* If at any point in the process described in this section, the Regional Director or Administrator decides that no further action is required, the interested parties will be notified of this decision.

(i) *Effective dates.* (1) The protective measures will take effect 10 days after the date of publication in the FEDERAL REGISTER.

(2) The protective measures will remain in effect for the shortest of the following time periods:

(i) Until the FMP and this section are amended to respond to the problem;

(ii) Until other action that will respond to the problem is taken under the Endangered Species Act;

(iii) Until the Administrator, following the procedures set forth in paragraph (j) of this section, decides that the protective measures are no longer required and repeals the measures; or

(iv) For the period of time set forth in the FEDERAL REGISTER notice, not to exceed three months. The measures may be renewed for three months after again following procedures in paragraphs (b) through (g) of this section.

(j) *Repeal.* (1) If the Administrator decides that protective measures may no longer be necessary for the protection of the monk seals, the interested parties will be notified of this preliminary decision and the facts upon which it is based. The Administrator will request advice on the proposed repeal of the protective measures.

(2) The Administrator will consider all relevant information obtained by the Regional Director or submitted by interested parties in deciding whether to repeal the protective measures.

(3) If the Administrator decides to repeal the protective measures:

(i) Interested parties will be notified of the decision, and

(ii) The notice of repeal and the reasons for the repeal will be published in the FEDERAL REGISTER.

[48 FR 5562, Feb. 7, 1983, as amended at 52 FR 47575, Dec. 15, 1987]

§ 681.28 Monk seal emergency protective measures.

(a) *Determination of emergency.* If at any time during the process described in § 681.27 the Regional Director determines that an emergency exists involving monk seal mortality related to the lobster fishery and that measures are needed immediately to protect the monk seal population, he will:

(1) Notify the interested parties of this determination and request their immediate advice and comments; and

(2) Forward a recommendation for emergency action and any advice and comments received from interested parties to the Administrator.

(b) *Implementation of emergency provisions.* If the Administrator agrees with the recommendation for emergency action:

(1) He will determine the appropriate emergency protective measures;

(2) A notice of the emergency protective measures will be published in the FEDERAL REGISTER; and

(3) He will notify the interested parties of the emergency protective measures. Holders of permits to fish in Permit Area I will be notified by certified mail. Permit holders that the Regional Director knows are on the fishing grounds also will be notified by radio.

(c) *Effective dates.* (1) Emergency protective measures are effective against a fisherman at 12:01 a.m. local time of the day following the da
fisherman receives actual notice o
measures.

(2) Emergency protective mea
are effective for 10 days from th
following the day the first p
holder is notified of the prot
measures.

(3) Emergency protective mea
may be extended for an addition
days if necessary to allow the co
tion of the procedures set ou
§ 681.27.

[48 FR 5562, Feb. 7, 1983, as amended
FR 47575, Dec. 15, 1987]

Subpart C—Management Mea for Permit Area 2 (the Main waiian Islands)

§ 681.30 General.

The management measures spec
in this subpart govern fishing for
ster in the EEZ seaward of the
Hawaiian Islands (Permit Area 2).

[48 FR 52925, Nov. 23, 1983, as amend
52 FR 47575, Dec. 15, 1987]

§ 681.31 Size restrictions.

Only spiny lobsters with a cara
length of 8.26 cm or greater may b
tained.

[48 FR 52925, Nov. 23, 1983]

§ 681.32 Reproductive condition re tions.

A female lobster of any size may
be retained if it is carrying eggs ex
nally. Eggs may not be removed f
female lobsters.

[48 FR 52925, Nov. 23, 1983, as amende
52 FR 47575, Dec. 15, 1987]

§ 681.33 Closed season.

Spiny lobster fishing is not allo
in Permit Area 2 during the month
June, July, and August.

[48 FR 52925, Nov. 23, 1983]

§ 681.34 Gear restrictions.

Lobsters may be taken only with l
ster traps or by hand. Lobsters n
not be taken by means of poiso
drugs, other chemicals, spears, n
hooks, or explosives.

[48 FR 52925, Nov. 23, 1983, as amended at 52 FR 47575, Dec. 15, 1987]

§ 681.35 Lobster condition.

Any lobster with a punctured or mutilated body, or a separated carapace and tail, may not be retained.

[48 FR 52925, Nov. 23, 1983, as amended at 52 FR 47575, Dec. 15, 1987]

PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES

Subpart A—General Provisions

Sec
683.1 Purpose and scope.
683.2 Definitions.
683.3 Relation to other laws.
683.4 Recordkeeping and reporting.
683.5 Management subareas.
683.6 Prohibitions.
683.7 Facilitation of enforcement.
683.8 Penalties.
683.9 Experimental Fishing Permit (EFP).
683.10 Appeals of administrative action.
683.11 Reports.

Subpart B—Management Measures

683.21 Permit requirements for the Northwestern Hawaiian Islands.
683.22 Gear restrictions.
683.23 Fishing moratorium on Hancock Seamounts.
683.24 Framework for regulatory adjustments.

Sec
683.25 Limited access management program.
683.26 Scientific research.
683.27 Notifcation of landings.
683.28 Native Hawaiian fishing rights. [Reserved]

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 683.1 Purpose and scope.

(a) These regulations implement the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP), prepared by the Western Pacific Regional Fishery Management Council under the Magnuson Act.

(b) Regulations governing fishing for bottomfish and seamount groundfish by fishing vessels other than vessels of the United States are published at 50 CFR part 611.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24660, June 29, 1988]

§ 683.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Bottomfish means the following species managed under the FMP:

Common name	Local name	Scientific name
Snappers:		
Silver jaw jobfish	lehi (H); palu-gustusilvia (S)	*Aphareus rutilans.*
Gray jobfish	uku (H); asoama (S)	*Aprion virescens*
Squirrelfish snapper	ehu (H); palu-malau (S)	*Etelis carbunculus.*
Longtail snapper	onaga, ula'T1ula (H); palu-loa (S)	*Etelis coruscans.*
Blue stripe snapper	ta'T1ape (H); savane (S); funai (G)	*Lutjanus kasmira.*
Yellowtail snapper	palu-i' 1usama (S); yellowtail kalekale	*Pristipomoides auricilla.*
Pink snapper	opakapaka (H); palu-'T1ena'1ena (S); gadao (G).	*Pristipomoides filamentosus.*
Yelloweye snapper	palusina (S); yelloweye opakapaka	*Pristipomoides flavipinnus.*
Snapper	kalekale (H)	*Pristipomoides sieboldii*
Snapper	gindai (H,G); palu-sega (S)	*Pristipomoides zonatus.*
Jacks:		
Giant trevally	white ulua (H); tarakito (G); sapo-anae (S)	*Caranx ignobilis.*
Black jack	black ulua (H); tarakito (G); tafauli (S)	*Caranx lugubris.*
Thick lipped trevally	pig ulua (H); butaguchi (H)	*Pseudocaranx dentex.*
Amberjack	kahala (H)	*Seriola dumerili.*
Groupers:		
Blacktip grouper	fausi (S); gadau (G)	*Epinephelus fasciatus*
Sea bass	hapu' 1upu'u (H)	*Epinephelus quernus.*
Lunartail grouper	papa (S)	*Variola louti.*
Emperor fishes:		
Ambon emperor	filoa-gutumumu (S)	*Lethrinus amboinensis.*
Redgill emperor	filoa-pa'1o'omumu (S); mafuti (G)	*Lethrinus rubrioperculatus.*

Notes: G—Guam; H—Hawaii, S—American Samoa.

Council means the Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, HI 96813, 808-523-1368.

Fishery management area means the EEZ off the coasts of Hawaii, American Samoa, and Guam.

Fishing gear:

(a) *Bottom Trawl* means a trawl in which the otter boards or the footrope of the net are in contact with the sea bed.

(b) *Gill net* means a rectangular net with one or more layers of mesh which is set upright in the water.

(c) *Hook-and-line* means one or more hooks attached to one or more lines.

(d) *Set net* means a stationary, buoyed, and anchored gill net.

(e) *Trawl net* means a cone or funnel-shaped net which is towed through the water by one or more vessels.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel lands fish.

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Incidental catch or *incidental species* means species caught while fishing for the primary purpose of catching a different species.

Land or *landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

Maximum sustainable yield (MSY) means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

Qualifying landing means a landing that meets a standard required for permit eligibility under § 683.25, as follows:

(a) Initial permit eligibility. (1) A qualifying landing for initial permit eligibility under § 683.25(b) (1) and (5) is a landing that contained bottomfish from the NWHI, regardless of amount, and which was made on or before August 7, 1985; (2) A qualifying landing for 1986 and 1987 under § 683.25(b)(2) is a landing which contained at least 2,500 pounds of bottomfish from the NWHI or a landing of at least 2,500 pounds of fish from the NWHI, of which at least 50 percent by weight was bottomfish;

(b) Permit renewal—a qualifying landing for permit renewal under § 683.25(c) is a landing which contained 2,500 pounds of bottomfish from the NWHI or a landing of at lest 2,500 pounds of fish from the NWHI, of which at least 50 percent by weight was bottomfish.

(c) New access eligibility points—a qualifying landing for eligibility points under § 683.25(e) is any landing of bottomfish from the NWHI, regardless of weight, if made on or before August 7, 1985; or a landing of at least 2,500 pounds of bottomfish lawfully harvested from the NWHI, or a landing of at least 2,500 pounds of fish lawfully harvested from the NWHI, of which at least 50 percent by weight was bottomfish, if made after August 7, 1985.

Regional Director means the Director, Southwest Region National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

Seamount groundfish means the following species managed by the FMP:

Common name	Scientific name
Armorhead	Pentaceros richardsoni.
Alfonsin	Beryx splendens.
Raftfish	Hyperoglyphe japonica.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24655, 24660, June 29, 1988; 53 FR 29908, Aug. 9, 1988]

§ 683.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the FMP, including any State landing law, continues in effect with respect to fishing activities regulated under this part.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24655, June 29, 1988]

§ 683.4 Recordkeeping and reporting.

(a) This part recognizes that catch and effort data necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required of fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

(b) Permit holders in the Northwestern Hawaiian Islands are required to report any incidental take or fishing interaction with protected species.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24656, June 29, 1988]

§ 683.5 Management subareas.

(a) The fishery management area is divided into five subareas for the regulation of bottomfish and seamount groundfish fishing with the following designations and boundaries:

(1) *Main Hawaiian Islands* means the EEZ of the Hawaiian Islands Archipelago lying to the east of 161°20′ W. longitude.

(2) *Northwestern Hawaiian Islands* means the EEZ of the Hawaiian Islands Archipelago lying to the west of 161°20′ W. longitude. However, for the purpose of regulations issued under this part, Midway Island is treated as part of the Northwestern Hawaiian Islands Subarea.

(i) *Ho'omalu Zone* means that portion of the EEZ around the NWHI west of 165°W longitude.

(ii) *Mau Zone* means that portion of the EEZ around the NWHI between 161°20′ and 165° W. longitude.

(3) *Hancock Seamount* means that portion of the EEZ in the Northwestern Hawaiian Islands west of 180°00′ W. longitude and north of 28°00′ N. latitude.

(4) *Guam* means the EEZ of the Territory of Guam.

(5) *American Samoa* means the EEZ of the Territory of American Samoa.

(b) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the State of Hawaii, the Territory of American Samoa, and the Territory of Guam (the "3 mile-limit").

(c) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is coterminous with adjacent international maritime boundaries. The outer boundary of the fishery management area north of Guam will extend to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24660, June 29, 1988; 53 FR 29908, Aug. 9, 1988]

§ 683.6 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for bottomfish or seamount groundfish using gear prohibited under § 683.22.

(b) Fish for bottomfish or seamount groundfish in violation of any terms or conditions attached to an experimental fishing permit (EFP) issued under § 683.9.

(c) Violate any other provision of this part, the Magnuson Act, any notice issued under subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

(d) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act.

(e) Fish for bottomfish in the Ho'omalu Zone without a limited access permit issued under § 683.25.

(f) Serve as captain or relief captain on a vessel fishing in the Ho'omalu Zone without first participating in a protected species seminar conducted by NMFS.

(g) Falsify or fail to make and/or file any and all reports of bottomfish landings, containing all data and in the exact manner, required by the applicable State laws and regulations, as specified in § 683.11, provided that the person is required to do so by the applicable State laws and regulations.

(h) Fail to notify the U.S. Coast Guard at least 24 hours prior to making any landing of bottomfish taken in the Ho'omalu Zone, as required by § 683.27.

[51 FR 27414, July 31, 1986, as amended at 53 FR 24659, June 29, 1988; 53 FR 29909, Aug. 9, 1988; 54 FR 6531, Feb. 13, 1989]

§ 683.7 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 683.8 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

§ 683.9 Experimental Fishing Permit (EFP).

(a) *General.* The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of bottomfish or seamount groundfish managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP—

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage; and

(vii) Gross tonnage.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

(c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until completed by the applicant.

(d) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the FEDERAL REGISTER with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency

concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is the final action of the Department of Commerce. If the permit is granted, the Secretary will publish a notice in the FEDERAL REGISTER describing the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to, the following:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The times and places where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(e) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, and EFP is effective for no longer than one year unless revoked, suspended, or modified. EFP's may be renewed following the application procedures in this section.

(f) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(g) *Transfer.* EFPs issued under this part are not transferable or assignable. EFPs are valid only for the vessels for which they are issued.

(h) *Inspection.* EFPs issued under this part must be carried aboard the vessels for which they are issued. EFPs must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, a notice issued under subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, will be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR part 904, subpart D.

[51 FR 27414, July 31, 1986; 51 FR 30367, Aug. 26, 1986; 51 FR 32215, Sept. 10, 1986]

§ 683.16 Appeals of administrative action.

(a) Except as provided in subpart D of 15 CFR part 904, any applicant for a permit or permit holder may appeal the granting, denial, conditioning, or suspension of their permit or a permit affecting their interests to the Assistant Administrator for Fisheries, NOAA. In order to be considered by the Assistant Administrator, such appeal must be in writing, must state the action(s) appealed, and the reasons therefor, and must be submitted within 30 days of the action(s) by the Regional Director. The appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Assistant Administrator will notify the permit applicant, or permit holder as appropriate, and will request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Assistant Administrator will decide the appeal in accordance with the criteria set forth in 50 CFR part 683 and the amendment to the FMP, as appropriate, based upon information relative to the application on file at NMFS and the Council and any additional information, the summary record kept of any hearing and the hearing officer's recommended decision, if any, as provided in paragraph (c) of this section, and such other considerations as deemed appropriate. The Assistant Administrator will notify all interested persons of the decision, and the reasons therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(c) If a hearing is requested or if the Assistant Administrator determines that one is appropriate, the Assistant Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. Such a hearing shall normally be held no later than 30 days following publication of the notice in the FEDERAL REGISTER unless the hearing officer extends the time for reasons deemed equitable. The appellant, the applicant (if different), and, at the discretion of the hearing officer, other interested persons, may appear personally or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in writing a decision to the Assistant Administrator.

(d) The Assistant Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Assistant Administrator will notify interested persons of the decision, and the reason(s) therefor, in writing, within 30 days of receipt of the hearing officer's recommended decision. The Assistant Administrator's action shall constitute final action for the agency for the purposes of the Administrative Procedure Act.

(e) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Assistant Administrator for good cause, either upon his or her own motion or upon written request from the appellant or applicant stating the reason(s) therefor.

[53 FR 29909, Aug. 9, 1988]

§ 683.11 Reports.

Any person who has a Federal permit to fish for bottomfish or seamount groundfish in the NWHI, and who is required to do so by the applicable State laws and regulations, shall make and/or file any and all reports of bottomfish and seamount grour ' fish landings, containing all data and in the exact manner, required by the applicable State laws and regulations.

[53 FR 29909, Aug. 9, 1988]

Subpart B—Management Measures

§ 683.21 Permit requirements for the Northwestern Hawaiian Islands.

(a) *Permit areas.* (1) The owner of any vessel being used to fish for bottomfish in the Mau Zone must have a permit issued under this section for that vessel.

(2) The owner of any vessel fishing for bottomfish in the Ho'omalu Zone must have a permit issued under § 683.25 for that vessel.

(3) The owner of any vessel fishing for seamount groundfish in a given fishery management area must have a

permit issued under this section for that vessel.

(4) No vessel may be covered by a permit to harvest groundfish in the Ho'omalu Zone and the Mau Zone at the same time.

(b) *Applications.* (1) An application for a permit under this section must be submitted to the Regional Director by the vessel owner or operator at least 15 days before the date on which the applicant desires to have the permit made effective.

(2) Each application must be submitted on an appropriate form which may be obtained from the Regional Director. Each application must be signed by the vessel owner or operator and contain the following information:

(i) The applicant's name;

(ii) The owner's name, mailing address, and telephone number;

(iii) The operator's name, mailing address, and telephone number;

(iv) The name of the vessel;

(v) The vessel's official number;

(vi) The radio call sign of the vessel;

(vii) The home port of the vessel;

(viii) Gross registered tons of the vessel;

(ix) Registered length of the vessel;

(x) Beam of the vessel;

(xi) Fuel capacity of the vessel;

(xii) Average cruising speed of the vessel;

(xiii) Maximum range of the vessel;

(xiv) Horsepower of the vessel;

(xv) Purchase price of the vessel;

(xvi) Purchase date of the vessel;

(xvii) Age of the vessel;

(xviii) The vessel's fish hold capacity;

(xix) Type of refrigeration and capacity;

(xx) Type and number of fishing gear;

(xxi) Whether the application is for a new permit or a renewal;

(xxii) Number and expiration date of any prior permit for the vessel issued under this part.

(c) *Fees.* No fee is required for a permit issued under this section.

(d) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director ten days before the effective date of the change.

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant in writing of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(3) Permits issued under this section will be accompanied by an informational package advising the permit holder of the applicable laws and regulations regarding threatened and endangered species in the NWHI. Permit holders are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose.

(f) *Expiration.* Permits issued under this section expire on December 31 of the year covered by the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Regional Director in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been substantially altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other persons. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is still fishing for bottomfish or seamount groundfish in the NWHI. Any permit issued under this section must be displayed for inspection upon request of any Authorized Officer.

(l) *Sanctions.* Procedures governing permit sanctions and denials are found at 15 CFR part 904, subpart D.

[51 FR 27414, July 31, 1986; 51 FR 30367, Aug. 26, 1986, as amended at 53 FR 29909, Aug. 9, 1988]

§ 683.22 Gear restrictions.

(a) *Bottom trawls and bottom set gill nets.* Fishing for bottomfish and seamount groundfish with bottom trawls and bottom set gill nets is prohibited.

(b) *Possession of gear.* Possession of a bottom trawl and bottom set gill net by any vessel having a permit under § 683.21 or otherwise established to be fishing for bottomfish or seamount groundfish in the management subareas is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish and seamount groundfish is prohibited.

[51 FR 27414, July 31, 1986]

§ 683.23 Fishing moratorium on Hancock Seamounts.

Fishing for bottomfish and seamount groundfish on the Hancock Seamount is prohibited until six years after the effective date of these regulations.

[51 FR 27414, July 31, 1986]

§ 683.24 Framework for regulatory adjustments.

(a) *Annual reports.* By June 30 of each year a Council-appointed bottomfish monitoring team will prepare an annual report on the fishery by area covering the following topics:

(1) Fishery performance; data;

(2) Summary of recent research and survey results;

(3) Habitat conditions and recent alterations;

(4) Enforcement activities and problems;

(5) Administrative actions (e.g., data collection and reporting, permits);

(6) State and Territorial management actions;

(7) Assessment of need for Council action (including biological, economic, social, enforcement, administrative, and State/Federal needs, problems, and trends). Indications of potential problems warranting further investigation may be signaled by the following indicator criteria:

(i) Mean size of the catch of any species in any area is a pre-reproductive size;

(ii) Ratio of fishing mortality to
ural mortality for any species;

(iii) Harvest capacity of the exist
fleet and/or annual landings exc
best estimate of MSY in any area;

(iv) Significant decline (50 perc
or more) in bottomfish catch per
of effort from baseline levels;

(v) Substantial decline in ex-ve
revenue relative to baseline levels;

(vi) Significant shift in the relat
proportions of gear in any one area;

(vii) Significant change in
frozen/fresh components of the
tomfish catch;

(viii) Entry/exit of fishermen in
area;

(ix) Per-trip costs for bottomfish
exceed per-trip revenues for a sign
cant percentage of trips;

(x) Significant decline or increase
total bottomfish landings in any ar

(xi) Change in species composit
of the bottomfish catch in any area;

(xii) Research results;

(xiii) Habitat degradation or en
ronmental problems;

(xiv) Reported interactions betw
bottomfishing operations and prote
ed species in the NWHI.

(8) Recommendations for Cour
action; and

(9) Estimated Impacts of reco
mended action.

(b) *Recommendation of managem
action.* (1) The team may pres
management recommendations to
Council at any time. Recommen
tions may cover actions suggested
Federal regulations, State/territor
action, enforcement or administrat
elements, and research and data
lection. Recommendations will inclu
an assessment of urgency and the
fects of not taking action.

(2) The Council will evaluate
team's reports and recommendatio
and the indicators of concern. T
Council will assess the need for one
more of the following types of m
agement action:

(i) Catch limits;

(ii) Size limits;

(iii) Closures;

(iv) Effort limitations;

(v) Access limitations; or

(vi) Other measures.

(3) The Council may recomme
management action by either

State/territorial governments or by Federal regulation.

(c) *Federal management action.* (1) If the Council believes that management action should be considered, it will make specific recommendations to the Regional Director after taking the following steps:

(i) Request and consider the views of its Scientific and Statistical Committee and bottomfish advisory panel; and

(ii) Obtain public comments at a public hearing.

(2) The Regional Director will consider the Council's recommendation and accompanying data, and if he concurs with the Council's recommendation will propose regulations to carry out the action. If the Regional Director rejects the Council's proposed action, a written explanation for the denial will be provided to the Council within two weeks of the decision.

(3) The Council may appeal denial by writing to the Assistant Administrator for Fisheries, who must respond in writing within 30 days.

(4) The Regional Director and the Assistant Administrator for Fisheries will make their decisions in accord with the Magnuson Act, other applicable law, and the FMP.

(5) To minimize conflicts between the Federal and State management systems, the Council will use the procedures in this paragraph to respond to State/territorial management actions. Council consideration of action would normally begin with a representative of the State or territorial government bringing a potential or actual management conflict or need to the Council's attention.

(d) *Access limitation procedures.* (1) Access limitation may be adopted only for the NWHI, American Samoa, and Guam.

(2) If access limitation is proposed for adoption or subsequent modification through the process described in this paragraph, the following requirements must be met:

(i) The bottomfish monitoring team must consider and report to the Council on present participation in the fishery; historical fishing practices in, and dependence on, the fishery; economics of the fishery; capability of fishing vessels used in the fishery to engage in other fisheries; cultural and social framework relevant to the fishery; and any other relevant considerations;

(ii) Public hearings must be held specifically addressing the limited access proposals;

(iii) A specific advisory subpanel of persons experienced in the fishing industry will be created to advise the Council and the Regional Director on administrative decisions; and

(iv) Council's recommendation to the Regional Director must be approved by a two-thirds majority of the voting members.

(3) If prior participation in the fishery is used as a factor in any access limitation system recommended by the Council, August 7, 1985, is the date selected by the Council as the date to be used for the NWHI and May 30, 1986, for American Samoa and Guam.

[51 FR 27414, July 31, 1986, as amended at 52 FR 38103, Oct. 14, 1987]

§ 683.25 Limited access management program.

(a) *Limited access permits*—General requirements.

(1) The owner of any vessel engaged in fishing for bottomfish in the Ho'omalu Zone must have a permit issued under this section.

(2) Permits issued under this section shall expire on December 31 of the year covered by the permit.

(3) Each application for a permit must be submitted to the Regional Director by the vessel owner at least 30 days before the date on which the applicant wants the permit to be effective.

(4) Each applicant must be submitted on the form used to apply for a permit under § 683.21(b) and a supplementary information sheet to be provided by the Regional Director. Each application must be signed by the vessel owner and must contain, in addition to the information listed in § 683.21(b)(2), the following information:

(i) The qualification criterion that the applicant believes he or she meets for issuance of a limited access permit; and

(ii) Copies of landings receipts or other documentation, with a certification from a State or Federal agency that this information is accurate, to demonstrate participation in the NWHI bottomfish fishery; or

(iii) Notarized copies of loan documents or other documents that would demonstrate financial commitments on or before August 7, 1985, to enter the NWHI bottomfish fishery; or

(iv) Written evidence indicating that an offer was made to purchase a vessel or that a vessel was under construction, on or before August 7, 1985, and that the vessel was to be used in the NWHI bottomfish fishery.

(v) If the application is filed by a partnership or corporation, the application must identify the names of the owners and their respective percentage of ownership of the partnership or corporation.

(5) *Protected species seminar.* Each designated captain and relief captain must participate in a seminar conducted by NMFS to ensure familiarity with protected species laws and regulations applicable to the NWHI and the species those laws and regulations are designed to protect.

(6) *Sale or transfer of permits to new owners.* (i) A vessel permit may not be sold or otherwise transferred to a new owner.

(ii) A permit or permits may be held by a partnership or corporation. If 50 percent or more of the ownership of the vessel passes to persons other than those listed in the original application, the permit will lapse and must be surrendered to the Regional Director.

(7) *Transfer of permits to new vessels.* (i) An owner of a permitted vessel may, without limitation, transfer his permit to another vessel owned by him, provided that the replacement vessel does not exceed 60 feet in length and that the replacement vessel is put into service within 12 months after the owner declares to the Regional Director the intent to make the transfer of the permit.

(ii) An owner of a permitted vessel may apply to the Regional Director for approval to use the permit for a replacement vessel greater than 60 feet in length. The Regional Director may allow this change upon determining, after consultation with the Council and considering the objectives of the limited access program, that the replacement vessel has equal catching power as the original vessel, or that the replacement vessel has catching power that is comparable to the rest of the vessels holding permits for the fishery, and that the change is not inconsistent with the objectives of the program.

(iii) The Regional Director shall consider vessel length, range, hold capacity, gear limitations, and other appropriate factors in making determinations of catching power equivalency and comparability of the catching power of vessels in the fishery.

(b) *Supplementary requirements for initial permits.* An application for an initial permit under this paragraph must be filed within 5 years of the effective date of this program. A permit for a vessel to be used for fishing for bottomfish in the Ho'omalu Zone may be issued to:

(1) Any owner who can document that a vessel owned by him made one or more qualifying landings of bottomfish from the NWHI on or before August 7, 1985.

(2) Any owner of two or more vessels which qualify under paragraph (b)(1) of this section may obtain a permit for each of such vessels which also made at least one qualifying landing of bottomfish in 1986 and 1987.

(3) Any person who can document that on or before August 7, 1985, he or she had incurred substantial expenditures for or had received written approval of a loan to purchase or construct a vessel to be used in the NWHI bottomfish fishery.

(4) Any person who can document that on or before August 7, 1985, he or she made an offer to purchase a vessel for the NWHI bottomfish fishery or had such a vessel under construction.

(5) Any person who can document that he or she was captain of a vessel that made at least one qualifying landing of bottomfish the NWHI on or before August 7, 1985, and who becomes an owner or 50% or more interest in a vessel within 5 years of the effective date of this program.

(c) *Supplementary requirements for permit renewal.* (1) A permit will be eligible for renewal if the vessel covered by the permit makes three or more qualifying landings during the permit year.

(2) The owner of a permitted vessel that did not make three or more qualifying landings of bottomfish in a year may apply to the Regional Director for waiver of the landing requirement. If the Regional Director finds that failure to make three landings was due to circumstances beyond the owner's control, he may renew the permit. A waiver may not be granted if the failure to make three landings was due to general economic conditions or market conditions such that the vessel operations would not be profitable.

(d) *Supplementary requirements for new entry permits.* The Regional Director may issue new vessel permits under this part when the Regional Director has determined, in consultation with the Council, that bottomfish stocks in the Ho'omalu Zone are able to support additional fishing effort. This shall be established by determining that the total estimated annual revenue to the fleet exceeds the total estimated annual fixed and variable costs to the fleet in the Ho'omalu Zone by an amount at least equal to the average cost of a vessel year. This determination shall be made and published annually in association with the annual report required under § 683.24 of this part.

(e) *Eligibility.* When the Regional Director has determined that new permits may be issued, they shall be issued to applicants based upon eligibility determined as follows:

(1) *Point System.* (i) Two points shall be assigned for each year in which the applicant was owner or captain of a vessel which made three or more qualifying landings of bottomfish from the NWHI.

(ii) One point shall be assigned for each year in which the applicant was owner or captain of a vessel that landed at least 6,000 pounds of bottomfish from the main Hawaiian Islands.

(iii) Points will be assigned only under paragraph (e)(1)(i) or (e)(1)(ii) of this section for any one year.

(iv) Points will be assigned for every year for which the requisite landings can be documented.

(2) An applicant must own at least a 25 percent share in the vessel that the permit would cover, and only one permit will be assigned to any vessel.

(3) New permits shall be awarded to applicants in descending order, starting with the applicant with the largest number of points. If two or more persons have an equal number of points, and there are insufficient new permits for all such applicants, the new permits shall be awarded by the Regional Director through a lottery.

(4) Notwithstanding paragraph (e)(3) of this section, a person who originally qualifies for and obtains a permit under § 683.25(a) and who voluntarily surrenders that permit to the Regional Director within the first 5 years of this program will have priority over applicants under the point scale system for a new permit under this section. If two or more persons qualify under this provision, the person surrendering a permit at the earliest date will have first priority. If two or more such person are equally qualified under the date of surrender criterion, the permit shall be awarded by the Regional Directory by a lottery. A permit holder may qualify for this provision only one time.

(5) The Regional Director shall place a notice in the FEDERAL REGISTER and shall use other means to notify prospective applicants of the opportunity to file applications for new permits under this program.

[53 FR 29909, Aug. 9, 1988]

§ 683.26 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific research which is conducted in the fishery management area by a scientific research vessel. The Secretary will acknowledge notification of *bona fide* scientific research involving bottomfish and seamount groundfish and conducted by a scientific research vessel by issuing to the operator or master of that vessel a letter of acknowledgment, containing information on the purpose and scope (locations and schedules) of the activities. The Secretary will transmit copies of such letters to the Council and to State and Federal administrative and enforcement agencies to ensure that all concerned parties are aware of the research activities.

[51 FR 27414, July 31, 1986. Redesignated at 53 FR 29909, Aug. 9, 1988]

§ 683.27 Notification of landings.

The operator of a fishing vessel that has taken bottomfish in the Ho'omalu Zone must contact the U.S. Coast Guard, by radio or otherwise, at the 14th District, Honolulu, HI (Telex: 392401); Pacific Area, San Francisco, CA (Telex: 330427); or 17th District, Juneau, AK (Telex: 45305), at lease 24 hours before landing, and report the port and the approximate date and time at which the bottomfish will be landed.

[53 FR 29911, Aug. 9, 1988]

§ 683.28 Native Hawaiian fishing rights. [Reserved]

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

Subpart A—General Provisions

Sec.

685.1 Purpose and scope.
685.2 Definitions.
685.3 Relation to other laws.
685.4 Recordkeeping and reporting.
685.5 Prohibitions.
685.6 Facilitation of enforcement.
685.7 Penalties.
685.8 Experimental fishing permits (EFPs).

Subpart B—Management Measures

685.21 Prohibition on drift gill netting.
685.22 Annual report.
685.23 Five-year review.

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 52 FR 5987, Feb. 27, 1987, unless otherwise noted.

Subpart A—General Provisions

§ 685.1 Purpose and scope.

(a) The regulations in this part govern fishing for billfish and associated species by fishing vessels of the United States in the exclusive economic zone (EEZ) off the coasts of Hawaii, American Samoa, Guam, and the U.S. possessions.

(b) Regulations governing fishing for billfish and associated species by fishing vessels other than vessels the United States are published at 5 CFR part 611.

(c) These regulations implement th Fishery Management Plan for Pelag Fisheries of the Western Pacif Region (FMP) developed by the Wes ern Pacific Regional Fishery Manag ment Council (Council) under th Magnuson Fishery Conservation an Management Act (Magnuson Act).

§ 685.2 Definitions.

In addition to the definitions in th Magnuson Act and in § 620.2 of th chapter, the terms used in this pa have the following meanings:

Associated species refers to the fo lowing species managed by the FMP:

(a) *Mahimahi* means "dolphin fish (*Coryphaena hippurus* and *Cor phaena equisetis*);

(b) *Oceanic sharks* means sharks the families Carcharhinidae, Alopi dae, Sphyrnidae, and Lamnidae; and

(c) *Wahoo* means fish of the specie *Acanthocybium solanderi.*

Billfish means broadbill swordfis (*Xiphias gladius*), blue marlin (*Ma kaira nigricans*), black marlin (*Ma kaira indica*), striped marlin (*Tetra turus audax*), sailfish (*Istiphorus pl typterus*), and shortbill spearfish (*T trapturus angustirostris*).

Drift gill net means a floating re tangular net with one or more laye of mesh which is set vertically in th water.

Fishery management area means th fishery conservation zone off th coasts of Hawaii, American Samo Guam, and U.S. possessions in th western Pacific. The outer bounda of the fishery management area nort of Guam extends to those point which are equidistant between Gua and the island of Rota in the Com monwealth of the Northern Maria Islands. This definition does not i clude the EEZ off the coasts of th Commonwealth of the Northern Mar ana Islands.

Land or *landing* means to begin of loading any fish, to arrive in port wit the intention of offloading any fish, o to cause any fish to be offloaded.

Maximum sustainable yield (MSY means an average over a reasonabl length of time of the largest catch which can be taken continuously from a stock.

Regional Director means the Southwest Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

[52 FR 5987, Feb. 27, 1987; 52 FR 32015, Aug. 25, 1987, as amended at 53 FR 24655, June 29, 1988]

§ 685.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the FMP including any State landing law, will continue in effect with respect to fishing activities regulated under this part.

[52 FR 5987, Feb. 27, 1987, as amended at 53 FR 24655, June 29, 1988]

§ 685.4 Recordkeeping and reporting.

This part recognizes that catch and effort date necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required of fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

[52 FR 5987, Feb. 27, 1987, as amended at 53 FR 24656, June 29, 1988]

§ 685.5 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for billfish or associated species in violation of any terms or conditions attached to an experimental fishing permit (EFP) issued under § 685.8.

(b) Fish for billfish or associated species using gear prohibited under § 685.21 or not permitted by an EFP issued under § 685.8.

(c) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act.

[52 FR 5987, Feb. 27, 1987, as amended at 53 FR 24656, June 29, 1988]

§ 685.6 Facilitation of enforcement.

See § 620.8 of this chapter.

[53 FR 24656, June 29, 1988]

§ 685.7 Penalties.

See § 620.9 of this chapter.

[53 FR 24656, June 29, 1988]

§ 685.8 Experimental fishing permits (EFPs).

(a) *General.* The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of billfish or associated species managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;

(4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;

(5) For each vessel to be covered by the EFP:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage; and

(vii) Gross tonnage.

(6) A description of the species (directed and incidental) to be harvested under the EFP and the amounts of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate times and places fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

(c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(d) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the FEDERAL REGISTER with a brief descripton of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the ap-
plication will be considered, and i
ed to appear in support of the app
tion if the applicant desires.

(3) Within 5 working days after
consultation in paragraph (d)(2
this section, or as soon as practic
thereafter, the Secretary will n
the applicant in writing of the dec
to grant or deny the EFP, an
denied, the reasons for the de
Grounds for denial of an EFP inc
but are not limited to, the followin

(i) The applicant has failed to
close material information require
has made false statements as to
material fact, in connection with
or her application;

(ii) According to the best scien
information available, the harve
be conducted under the permit w
detrimentally affect any specie
fish in a significant way;

(iii) Issuance of the EFP woul
equitably allocate fishing privi
among domestic fishermen or w
have economic allocation as its
purpose;

(iv) Activities to be conducted u
th EFP would be inconsistent with
intent of this section or the man
ment objectives of the FMP;

(v) The applicant has failed to
onstrate a valid justification for
permit; or

(vi) The activity proposed unde
EFP would create a significant
forcement problem.

(4) The decision of the Secreta
grant or deny an EFP is final and
appealable. If the permit is gra
the Secretary will publish a noti
the FEDERAL REGISTER describing
experimental fishing to be condu
under the EFP. The Secretary
attach terms and conditions to
EFP consistent with the purpos
the experiment including, but not
ited to

(i) The maximum amount of
species which can be harvested
landed during the term of the EF
cluding trip limits, where approp

(ii) The number, sizes, names,
identification numbers of the ve
authorized to conduct fishing a
ties under the EFP;

(iii) The times and places wher
perimental fishing may be conduc

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operating under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(e) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than one year unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(f) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(g) *Transfer.* EFPs issued under this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(h) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, is grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR part 904, subpart D. Other sanctions available under the statute will be applicable.

(j) *Protected species.* Vessels fishing under an EFP are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose. Reports must be submitted to the Regional Director within 3 days of arriving in port.

Subpart B—Management Measures

§ 685.21 Prohibition on drift gill netting.

Fishing with drift gill nets in the fishery management area is prohibited, except where authorized by an experimental fishing permit issued under § 685.8 of this part.

§ 685.22 Annual report.

By June 30 of each year, a plan monitoring team appointed by the Council will prepare an annual report on the domestic and foreign fisheries for billfish and associated species in the management area.

§ 685.23 Five-year review.

Within five years of the effective date of this FMP, the Council, in cooperation with the NMFS and State and Territorial agencies, will conduct a full review of the FMP. The review will assess the effectiveness of the FMP in meeting with the Council's objectives and the need for changes in any management measures, including adjustments in area closure to foreign longline fishing and adding data collection or reporting requirements for the domestic fisheries which take billfish and associated species.

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
Table of OMB Control Numbers
List of CFR Sections Affected

Table of CFR Titles and Chapters

(Revised as of September 14, 1990)

Title 1—General Provisions

I	Administrative Committee of the Federal Register (Parts 1—49)
II	Office of the Federal Register (Parts 50—299)
III	Administrative Conference of the United States (Parts 300—399)
IV	Miscellaneous Agencies (Parts 400—500)

Title 2—[Reserved]

Title 3—The President

I	Executive Office of the President (Parts 100—199)

Title 4—Accounts

I	General Accounting Office (Parts 1—99)
II	Federal Claims Collection Standards (General Accounting Office—Department of Justice) (Parts 100—299)
III	General Accounting Office (CASB) (Parts 300—499)

Title 5—Administrative Personnel

I	Office of Personnel Management (Parts 1—1199)
II	Merit Systems Protection Board (Parts 1200—1299)
III	Office of Management and Budget (Parts 1300—1399)
IV	Advisory Committee on Federal Pay (Parts 1400—1499)
V	The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI	Federal Retirement Thrift Investment Board (Parts 1600—1699)
VII	Advisory Commission on Intergovernmental Relations (Parts 1700—1799)
VIII	Office of Special Council (Parts 1800—1899)
IX	Appalachian Regional Commission (Parts 1900—1999)
XI	United States Soldiers' and Airmen's Home (Parts 2100—2199)
XIV	Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)

Title 5—Administrative Personnel—Continued

Chap.	
XV	Office of Administration, Executive Office of the President (Parts 2500—2599)
XVI	Office of Government Ethics (Parts 2600—2699)

Title 6—[Reserved]

Title 7—Agriculture

	SUBTITLE A—Office of the Secretary of Agriculture (Parts 0—26)
	SUBTITLE B—Regulations of the Department of Agriculture
I	Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)
II	Food and Nutrition Service, Department of Agriculture (Parts 210—299)
III	Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)
IV	Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)
V	Agricultural Research Service, Department of Agriculture (Parts 500—599)
VI	Soil Conservation Service, Department of Agriculture (Parts 600—699)
VII	Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture (Parts 700—799)
VIII	Federal Grain Inspection Service, Department of Agriculture (Parts 800—899)
IX	Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)
X	Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)
XI	Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)
XIV	Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)
XV	Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)
XVI	Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)
XVII	Rural Electrification Administration, Department of Agriculture (Parts 1700—1799)
XVIII	Farmers Home Administration, Department of Agriculture (Parts 1800—2099)
XXI	Foreign Economic Development Service, Department of Agriculture (Parts 2100—2199)
XXII	Office of International Cooperation and Development, Department of Agriculture (Parts 2200—2299)

Title 7—Agriculture—Continued

Chap.	
XXIV	Board of Contract Appeals, Department of Agriculture (Parts 2400—2499)
XXV	Office of the General Sales Manager, Department of Agriculture (Parts 2500—2599)
XXVI	Office of Inspector General, Department of Agriculture (Parts 2600—2699)
XXVII	Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)
XXVIII	Office of Operations, Department of Agriculture (Parts 2800—2899)
XXIX	Office of Energy, Department of Agriculture (Parts 2900—2999)
XXX	Office of Finance and Management, Department of Agriculture (Parts 3000—3099)
XXXI	Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)
XXXII	Office of Grants and Program Systems, Department of Agriculture (Parts 3200—3299)
XXXIII	Office of Transportation, Department of Agriculture (Parts 3300—3399)
XXXIV	Cooperative State Research Service, Department of Agriculture (Parts 3400—3499)
XXXVI	National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)
XXXVII	Economic Research Service, Department of Agriculture (Parts 3700—3799)
XXXVIII	World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)
XXXIX	Economic Analysis Staff, Department of Agriculture (Parts 3900—3999)
XL	Economics Management Staff, Department of Agriculture (Parts 4000—4099)
XLI	National Agricultural Library, Department of Agriculture (Part 4100)

Title 8—Aliens and Nationality

I	Immigration and Naturalization Service, Department of Justice (Parts 1—499)

Title 9—Animals and Animal Products

I	Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)
II	Packers and Stockyards Administration, Department of Agriculture (Parts 200—299)
III	Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture (Parts 300—399)

Title 10—Energy

Chap.	
I	Nuclear Regulatory Commission (Parts 0—199)
II	Department of Energy (Parts 200—699)
III	Department of Energy (Parts 700—999)
X	Department of Energy (General Provisions) (Parts 1000—109
XV	Office of the Federal Inspector for the Alaska Natural G Transportation System (Parts 1500—1599)

Title 11—Federal Elections

I	Federal Election Commission (Parts 1—9099)

Title 12—Banks and Banking

I	Comptroller of the Currency, Department of the Treasur (Parts 1—199)
II	Federal Reserve System (Parts 200—299)
III	Federal Deposit Insurance Corporation (Parts 300—399)
IV	Export-Import Bank of the United States (Parts 400—499)
V	Office of Thrift Supervision, Department of the Treasur (Parts 500—599)
VI	Farm Credit Administration (Parts 600—699)
VII	National Credit Union Administration (Parts 700—799)
VIII	Federal Financing Bank (Parts 800—899)
IX	Federal Housing Finance Board (Parts 900—999)
XI	Federal Financial Institutions Examination Council (Par 1100—1199)
XIII	Farm Credit System Assistance Board (Parts 1300—1399)
XIV	Farm Credit System Insurance Corporation
XV	Oversight Board (Parts 1500—1599)
XVI	Resolution Trust Corporation (Parts 1600—1699)

Title 13—Business Credit and Assistance

I	Small Business Administration (Parts 1—199)
III	Economic Development Administration, Department of Com merce (Parts 300—399)

Title 14—Aeronautics and Space

I	Federal Aviation Administration, Department of Transport tion (Parts 1—199)
II	Office of the Secretary, Department of Transportation (Avi tion Proceedings) (Parts 200—399)
III	Office of Commercial Space Transportation, Department Transportation (Parts 400—499)
V	National Aeronautics and Space Administration (Parts 1200- 1299)

Title 15—Commerce and Foreign Trade

Chap.	
	SUBTITLE A—Office of the Secretary of Commerce (Parts 0—29)
	SUBTITLE B—Regulations Relating to Commerce and Foreign Trade
I	Bureau of the Census, Department of Commerce (Parts 30—199)
II	National Institute of Standards and Technology, Department of Commerce (Parts 200—299)
III	International Trade Administration, Department of Commerce (Parts 300—399)
IV	Foreign-Trade Zones Board (Parts 400—499)
VII	Bureau of Export Administration, Department of Commerce (Parts 700—799)
VIII	Bureau of Economic Analysis, Department of Commerce (Parts 800—899)
IX	National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)
XI	Technology Administration, Department of Commerce (Parts 1100—1199)
XII	United States Travel Service, Department of Commerce (Parts 1200—1299)
XIII	East-West Foreign Trade Board (Parts 1300—1399)
XIV	Minority Business Development Agency (Parts 1400—1499)
	SUBTITLE C—Regulations Relating to Foreign Trade Agreements
XX	Office of the United States Trade Representative (Parts 2000—2099)
	SUBTITLE D—Regulations Relating to Telecommunications and Information
XXIII	National Telecommunications and Information Administration, Department of Commerce (Parts 2300—2399)

Title 16—Commercial Practices

I	Federal Trade Commission (Parts 0—999)
II	Consumer Product Safety Commission (Parts 1000—1799)

Title 17—Commodity and Securities Exchanges

I	Commodity Futures Trading Commission (Parts 1—199)
II	Securities and Exchange Commission (Parts 200—399)
IV	Department of the Treasury (Parts 400—499)

Title 18—Conservation of Power and Water Resources

I	Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)
III	Delaware River Basin Commission (Parts 400—499)
VI	Water Resources Council (Parts 700—799)
VIII	Susquehanna River Basin Commission (Parts 800—899)

Title 18—Conservation of Power and Water Resources—Continued

Chap.	
XIII	Tennessee Valley Authority (Parts 1300—1399)

Title 19—Customs Duties

I	United States Customs Service, Department of the Treasury (Parts 1—199)
II	United States International Trade Commission (Parts 200—299)
III	International Trade Administration, Department of Commerce (Parts 300—399)

Title 20—Employees' Benefits

I	Office of Workers' Compensation Programs, Department of Labor (Parts 1—199)
II	Railroad Retirement Board (Parts 200—399)
III	Social Security Administration, Department of Health and Human Services (Parts 400—499)
IV	Employees' Compensation Appeals Board, Department of Labor (Parts 500—599)
V	Employment and Training Administration, Department of Labor (Parts 600—699)
VI	Employment Standards Administration, Department of Labor (Parts 700—799)
VII	Benefits Review Board, Department of Labor (Parts 800—899)
VIII	Joint Board for the Enrollment of Actuaries (Parts 900—999)
IX	Office of the Assistant Secretary for Veterans' Employment and Training, Department of Labor (Parts 1000—1099)

Title 21—Food and Drugs

I	Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)
II	Drug Enforcement Administration, Department of Justice (Parts 1300—1399)

Title 22—Foreign Relations

I	Department of State (Parts 1—199)
II	Agency for International Development, International Development Cooperation Agency (Parts 200—299)
III	Peace Corps (Parts 300—399)
IV	International Joint Commission, United States and Canada (Parts 400—499)
V	United States Information Agency (Parts 500—599)
VI	United States Arms Control and Disarmament Agency (Parts 600—699)
VII	Overseas Private Investment Corporation, International Development Cooperation Agency (Parts 700—799)
IX	Foreign Service Grievance Board Regulations (Parts 900—999)
X	Inter-American Foundation (Parts 1000—1099)

Title 22—Foreign Relations—Continued

Chap.	
XI	International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)
XII	United States International Development Cooperation Agency (Parts 1200—1299)
XIII	Board for International Broadcasting (Parts 1300—1399)
XIV	Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)
XV	African Development Foundation (Parts 1500—1599)
XVI	Japan-United States Friendship Commission (Parts 1600—1699)

Title 23—Highways

I	Federal Highway Administration, Department of Transportation (Parts 1—999)
II	National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)
III	National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

Title 24—Housing and Urban Development

SUBTITLE A—Office of the Secretary, Department of Housing and Urban Development (Parts 0—99)

SUBTITLE B—Regulations Relating to Housing and Urban Development

I	Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)
II	Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)
III	Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)
V	Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)
VI	Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699)
VII	Office of the Secretary, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)
VIII	Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program) (Parts 800—899)
IX	Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—999)

Title 24—Housing and Urban Development—Continued

Chap.	
X	Office of Assistant Secretary for Housing—Federal Housin Commissioner, Department of Housing and Urban Develop ment (Interstate Land Sales Registration Program) (Part 1700—1799)
XI	Solar Energy and Energy Conservation Bank, Department o Housing and Urban Development (Parts 1800—1899)
XII	Office of Inspector General, Department of Housing and Urba Development (Parts 2000—2099)
XV	Mortgage Insurance and Loan Programs under the Emergenc Homeowners' Relief Act, Department of Housing and Urba Development (Parts 2700—2799)
XX	Office of Assistant Secretary for Housing—Federal Housin Commissioner, Department of Housing and Urban Develop ment (Parts 3200—3699)
XXV	Neighborhood Reinvestment Corporation (Parts 4100—4199)

Title 25—Indians

I	Bureau of Indian Affairs, Department of the Interior (Parts 1- 299)
II	Indian Arts and Crafts Board, Department of the Interio (Parts 300—399)
IV	Navajo and Hopi Indian Relocation Commission (Parts 700- 799)

Title 26—Internal Revenue

I	Internal Revenue Service, Department of the Treasury (Part 1—699)

Title 27—Alcohol, Tobacco Products and Firearms

I	Bureau of Alcohol, Tobacco and Firearms, Department of th Treasury (Parts 1—299)

Title 28—Judicial Administration

I	Department of Justice (Parts 0—199)
III	Federal Prison Industries, Inc., Department of Justice (Part 300—399)
V	Bureau of Prisons, Department of Justice (Parts 500—599)
VI	Offices of Independent Counsel, Department of Justice (Part 600—699)
VII	Office of Independent Counsel (Parts 700—799)

Title 29—Labor

SUBTITLE A—Office of the Secretary of Labor (Parts 0—99)

SUBTITLE B--Regulations Relating to Labor

I	National Labor Relations Board (Parts 100—199)

Title 29—Labor—Continued

Chap.	
II	Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor (Parts 200—299)
III	National Railroad Adjustment Board (Parts 300—399)
IV	Office of Labor-Management Standards, Department of Labor (Parts 400—499)
V	Wage and Hour Division, Department of Labor (Parts 500—899)
IX	Construction Industry Collective Bargaining Commission (Parts 900—999)
X	National Mediation Board (Parts 1200-1299)
XII	Federal Mediation and Conciliation Service (Parts 1400-1499)
XIV	Equal Employment Opportunity Commission (Parts 1600-1699)
XVII	Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)
XX	Occupational Safety and Health Review Commission (Parts 2200—2499)
XXV	Pension and Welfare Benefits Administration, Department of Labor (Parts 2500—2599)
XXVI	Pension Benefit Guaranty Corporation (Parts 2600—2699)
XXVII	Federal Mine Safety and Health Review Commission (Parts 2700—2799)

Title 30—Mineral Resources

I	Mine Safety and Health Administration, Department of Labor (Parts 1—199)
II	Minerals Management Service, Department of the Interior (Parts 200—299)
III	Board of Surface Mining and Reclamation Appeals, Department of the Interior (Parts 300—399)
IV	Geological Survey, Department of the Interior (Parts 400—499)
VI	Bureau of Mines, Department of the Interior (Parts 600—699)
VII	Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)

Title 31—Money and Finance: Treasury

	Subtitle A—Office of the Secretary of the Treasury (Parts 0—50)
	Subtitle B—Regulations Relating to Money and Finance
I	Monetary Offices, Department of the Treasury (Parts 51—199)
II	Fiscal Service, Department of the Treasury (Parts 200—399)
IV	Secret Service, Department of the Treasury (Parts 400—499)
V	Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)
VI	Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)
VII	Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)

Title 32—National Defense

Chap.	
	SUBTITLE A—Department of Defense
I	Office of the Secretary of Defense (Parts 1—399)
V	Department of the Army (Parts 400—699)
VI	Department of the Navy (Parts 700—799)
VII	Department of the Air Force (Parts 800—1099)
	SUBTITLE B—Other Regulations Relating to National Defense
XII	Defense Logistics Agency (Parts 1200-1299)
XVI	Selective Service System (Parts 1600-1699)
XIX	Central Intelligence Agency (Parts 1900—1999)
XX	Information Security Oversight Office (Parts 2000—2099)
XXI	National Security Council (Parts 2100—2199)
XXIV	Office of Science and Technology Policy (Parts 2400—2499)
XXVII	Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII	Office of the Vice President of the United States (Parts 2800–2899)

Title 33—Navigation and Navigable Waters

I	Coast Guard, Department of Transportation (Parts 1—199)
II	Corps of Engineers, Department of the Army (Parts 200—399)
IV	Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

Title 34—Education

	SUBTITLE A—Office of the Secretary, Department of Education (Parts 1—99)
	SUBTITLE B—Regulations of the Offices of the Department of Education
I	Office for Civil Rights, Department of Education (Parts 100–199)
II	Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III	Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
IV	Office of Vocational and Adult Education, Department of Education (Parts 400—499)
V	Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599)
VI	Office of Postsecondary Education, Department of Education (Parts 600—699)
VII	Office of Educational Research and Improvement, Department of Education (Parts 700—799)

Title 35—Panama Canal

Chap.	
I	Panama Canal Regulations (Parts 1—299)

Title 36—Parks, Forests, and Public Property

I	National Park Service, Department of the Interior (Parts 1—199)
II	Forest Service, Department of Agriculture (Parts 200—299)
III	Corps of Engineers, Department of the Army (Parts 300—399)
IV	American Battle Monuments Commission (Parts 400—499)
V	Smithsonian Institution (Parts 500—599)
VII	Library of Congress (Parts 700—799)
VIII	Advisory Council on Historic Preservation (Parts 800—899)
IX	Pennsylvania Avenue Development Corporation (Parts 900-999)
XI	Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)
XII	National Archives and Records Administration (Parts 1200—1299)

Title 37—Patents, Trademarks, and Copyrights

I	Patent and Trademark Office, Department of Commerce (Parts 1—199)
II	Copyright Office, Library of Congress (Parts 200—299)
III	Copyright Royalty Tribunal (Parts 300—399)
IV	Assistant Secretary for Productivity, Technology and Innovation, Department of Commerce (Parts 400-499)
V	Under Secretary for Economic Affairs, Department of Commerce (500—599)

Title 38—Pensions, Bonuses, and Veterans' Relief

I	Department of Veterans Affairs (Parts 0—99)

Title 39—Postal Service

I	United States Postal Service (Parts 1—999)
III	Postal Rate Commission (Parts 3000—3099)

Title 40—Protection of Environment

I	Environmental Protection Agency (Parts 1—799)
V	Council on Environmental Quality (Parts 1500-1599)

Title 41—Public Contracts and Property Management

SUBTITLE B—Other Provisions Relating to Public Contracts

50	Public Contracts, Department of Labor (Parts 50-1—50-999)
51	Committee for Purchase from the Blind and Other Severely Handicapped (Parts 51-1—51-99)

Title 41—Public Contracts and Property Management—Continued

Chap.

60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60-1—60-999)

61 Office of the Assistant Secretary for Veterans Employment and Training, Department of Labor (Parts 61-1—61-999)

SUBTITLE C—Federal Property Management Regulations System

101 Federal Property Management Regulations (Parts 101-1—101-99)

105 General Services Administration (Parts 105-1—105-999)

109 Department of Energy Property Management Regulations (Parts 109-1—109-99)

114 Department of the Interior (Parts 114-1—114-99)

115 Environmental Protection Agency (Parts 115-1—115-99)

128 Department of Justice (Parts 128-1—128-99)

SUBTITLE D—Other Provisions Relating to Property Management (Reserved)

SUBTITLE E—Federal Information Resources Management Regulations System

201 Federal Information Resources Management Regulation (Parts 201-1—201-99)

SUBTITLE F—Federal Travel Regulation System

301 Travel Allowances (Parts 301-1—301-14)

302 Relocation Allowances (Parts 302-1—302-12)

303 Payment of Expenses Connected with the Death of Certain Employees (Parts 302-1—302-2)

304 Reductions in Meeting and Training Allowance Payments (Parts 304-1—304-2)

Title 42—Public Health

I Public Health Service, Department of Health and Human Services (Parts 1—199)

IV Health Care Financing Administration, Department of Health and Human Services (Parts 400—499)

V Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

Title 43—Public Lands: Interior

SUBTITLE A—Office of the Secretary of the Interior (Parts 1—199)

SUBTITLE B—Regulations Relating to Public Lands

I Bureau of Reclamation, Department of the Interior (Parts 200—499)

II Bureau of Land Management, Department of the Interior (Parts 1000—9999)

Title 44—Emergency Management and Assistance

Chap.	
I	Federal Emergency Management Agency (Parts 0—399)
IV	Department of Commerce and Department of Transportation (Parts 400—499)

Title 45—Public Welfare

	SUBTITLE A—Department of Health and Human Services, General Administration (Parts 1—199)
	SUBTITLE B—Regulations Relating to Public Welfare
II	Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services (Parts 200—299)
III	Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services (Parts 300—399)
IV	Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services (Parts 400—499)
V	Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)
VI	National Science Foundation (Parts 600—699)
VII	Commission on Civil Rights (Parts 700—799)
VIII	Office of Personnel Management (Parts 800—899)
X	Office of Community Services, Family Support Administration, Department of Health and Human Services (Parts 1000—1099)
XI	National Foundation on the Arts and the Humanities (Parts 1100—1199)
XII	ACTION (Parts 1200—1299)
XIII	Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)
XVI	Legal Services Corporation (Parts 1600—1699)
XVII	National Commission on Libraries and Information Science (Parts 1700—1799)
XVIII	Harry S. Truman Scholarship Foundation (Parts 1800—1899)
XX	Commission on the Bicentennial of the United States Constitution (Parts 2000—2099)
XXI	Commission on Fine Arts (Parts 2100—2199)
XXII	Christopher Columbus Quincentenary Jubilee Commission (2200—2299)

Title 46—Shipping

I	Coast Guard, Department of Transportation (Parts 1—199)
II	Maritime Administration, Department of Transportation (Parts 200—399)
III	Coast Guard (Great Lakes Pilotage), Department of Transportation (Parts 400—499)
IV	Federal Maritime Commission (Parts 500—599)

Title 47—Telecommunication

Chap.	
I	Federal Communications Commission (Parts 0—199)
II	Office of Science and Technology Policy and National Security Council (Parts 200—299)
III	National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)

Title 48—Federal Acquisition Regulations System

1	Federal Acquisition Regulation (Parts 1—99)
2	Department of Defense (Parts 200—299)
3	Department of Health and Human Services (Parts 300—399)
4	Department of Agriculture (Parts 400—499)
5	General Services Administration (Parts 500—599)
6	Department of State (Parts 600—699)
7	Agency for International Development (Parts 700—799)
8	Department of Veterans Affairs (Parts 800—899)
9	Department of Energy (Parts 900—999)
10	Department of the Treasury (Parts 1000—1099)
12	Department of Transportation (Parts 1200—1299)
13	Department of Commerce (Parts 1300—1399)
14	Department of the Interior (Parts 1400—1499)
15	Environmental Protection Agency (Parts 1500—1599)
16	Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)
17	Office of Personnel Management (Parts 1700—1799)
18	National Aeronautics and Space Administration (Parts 1800—1899)
19	United States Information Agency (Parts 1900—1999)
22	Small Business Administration (Parts 2200—2299)
24	Department of Housing and Urban Development (Parts 2400—2499)
25	National Science Foundation (Parts 2500—2599)
28	Department of Justice (Parts 2800—2899)
29	Department of Labor (Parts 2900—2999)
34	Department of Education Acquisition Regulation (Parts 3400—3499)
35	Panama Canal Commission (Parts 3500—3599)
44	Federal Emergency Management Agency (Parts 4400—4499)
51	Department of the Army Acquisition Regulations (Parts 5100—5199)
52	Department of the Navy Acquisition Regulations (Parts 5200—5299)
53	Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300—5399)
57	African Development Foundation (Parts 5700—5799)
61	General Services Administration Board of Contract Appeals (Parts 6100—6199)

Title 48—Federal Acquisition Regulations System—Continued

Chap.	
63	Department of Transportation Board of Contract Appeals (Parts 6300-6399)

Title 49—Transportation

	SUBTITLE A—Office of the Secretary of Transportation (Parts 1—99)
	SUBTITLE B—Other Regulations Relating to Transportation
I	Research and Special Programs Administration, Department of Transportation (Parts 100—199)
II	Federal Railroad Administration, Department of Transportation (Parts 200—299)
III	Federal Highway Administration, Department of Transportation (Parts 300—399)
IV	Coast Guard, Department of Transportation (Parts 400—499)
V	National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)
VI	Urban Mass Transportation Administration, Department of Transportation (Parts 600—699)
VII	National Railroad Passenger Corporation (AMTRAK) (Parts 700—799)
VIII	National Transportation Safety Board (Parts 800—899)
X	Interstate Commerce Commission (Parts 1000—1399)

Title 50—Wildlife and Fisheries

I	United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)
II	National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)
III	International Regulatory Agencies (Fishing and Whaling) (Parts 300—399)
IV	Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400—499)
V	Marine Mammal Commission (Parts 500—599)
VI	Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)

CFR Index and Finding Aids

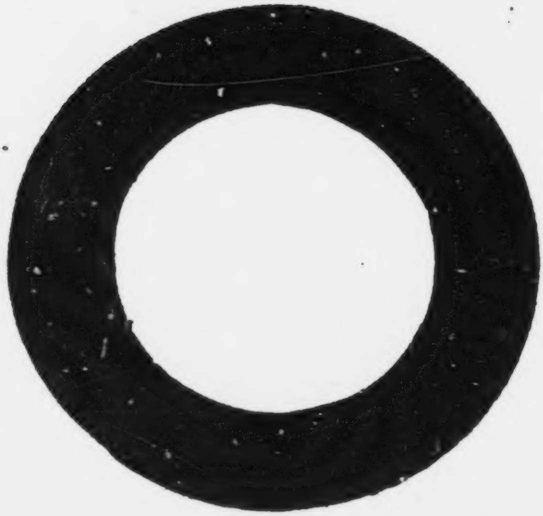
Subject/Agency Index

List of Agency Prepared Indexes

Parallel Tables of Statutory Authorities and Rules

Acts Requiring Publication in the Federal Register

List of CFR Titles, Chapters, Subchapters, and Parts



Alphabetical List of Agencies Appearing in the CFR

(Revised as of September 14, 1990)

Agency	CFR Title, Subtitle or Chapter
ACTION	45, XII
Administrative Committee of the Federal Register	1, I
Administrative Conference of the United States	1, III
Advisory Commission on Intergovernmental Relations	5, VII
Advisory Committee on Federal Pay	5, IV
Advisory Council on Historic Preservation	36, VIII
African Development Foundation	22, XV; 48, 57
Agency for International Development	22, II; 48, 7
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Agricultural Stabilization and Conservation Service	7, VII
Agriculture Department	
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Agricultural Stabilization and Conservation Service	7, VII
Animal and Plant Health Inspection Service	7, III; 9, I
Commodity Credit Corporation	7, XIV
Contract Appeals, Board of	7, XXIV
Cooperative State Research Service	7, XXXIV
Economic Analysis Staff	7, XXXIX
Economics Management Staff	7, XL
Economic Research Service	7, XXXVII
Energy, Office of	7, XXIX
Environmental Quality, Office of	7, XXXI
Farmers Home Administration	7, XVIII
Federal Acquisition Regulation	48, 4
Federal Crop Insurance Corporation	7, IV
Federal Grain Inspection Service	7, VIII
Finance and Management, Office of	7, XXX
Food and Nutrition Service	7, II
Food Safety and Inspection Service	9, III
Foreign Agricultural Service	7, XV
Foreign Economic Development Service	7, XXI
Forest Service	36, II
General Sales Manager, Office of	7, XXV
Grants and Program Systems, Office of	7, XXXII
Information Resources Management, Office of	7, XXVII
Inspector General, Office of	7, XXVI
International Cooperation and Development Office	7, XXII
National Agricultural Library	7, XLI
National Agricultural Statistics Service	7, XXXVI
Operations Office	7, XXVIII
Packers and Stockyards Administration	9, II
Rural Electrification Administration	7, XVII
Rural Telephone Bank	7, XVI
Secretary of Agriculture, Office of	7, Subtitle A
Soil Conservation Service	7, VI
Transportation, Office of	7, XXXIII
World Agriculture Outlook Board	7, XXXVIII
Air Force Department	32, VII
Federal Acquisition Regulation Supplement	48, 53

Agency	CFR Title, Subtitle or Chapter
Alaska Natural Gas Transportation System, Office of the Federal Inspector	10, XV
Alcohol, Tobacco and Firearms, Bureau of	27, I
AMTRAK	49, VII
American Battle Monuments Commission	36, IV
Animal and Plant Health Inspection Service	7, III; 9, I
Appalachian Regional Commission	5, IX
Architectural and Transportation Barriers Compliance Board	36, XI
Arms Control and Disarmament Agency, U.S.	22, VI
Army Department	32, V
Engineers, Corps of	33, II; 36, III
Federal Acquisition Regulation	48, 51
Benefits Review Board	20, VII
Bicentennial of the United States Constitution, Commission on the	45, XX
Bilingual Education and Minority Languages Affairs, Office of	34, V
Blind and Other Severely Handicapped, Committee for Purchase from	41, 51
Board for International Broadcasting	22, XIII
Budget, Office of Management and	5, III
Census Bureau	15, I
Central Intelligence Agency	32, XIX
Child Support Enforcement, Office of	45, III
Christopher Columbus Quincentenary Jubilee Commission	45, XXII
Civil Rights Commission	45, VII
Civil Rights, Office for (Education Department)	34, I
Claims Collection Standards, Federal	4, II
Coast Guard	33, I; 46, I, III; 49, IV
Commerce Department	44, IV
Census Bureau	15, I
Economic Affairs, Under Secretary	37, V
Economic Analysis, Bureau of	15, VIII
Economic Development Administration	13, III
Endangered Species Committee	50, IV
Export Administration Bureau	15, VII
Federal Acquisition Regulation	48, 13
Fishery Conservation and Management	50, VI
International Trade Administration	15, III; 19, III
National Institute of Standards and Technology	15, II
National Marine Fisheries Service	50, II, IV
National Oceanic and Atmospheric Administration	15, IX; 50, II, III, IV, VI
National Telecommunications and Information Administration	15, XXIII; 47, III
Patent and Trademark Office	37, I
Productivity, Technology and Innovation, Assistant Secretary for	37, IV
Secretary of Commerce, Office of	15, Subtitle A
Technology Administration	15, XI
United States Travel Service	15, XII
Commercial Space Transportation, Office of, Department of Transportation	14, III
Commission on the Bicentennial of the United States Constitution	45, XX
Committee for Purchase from the Blind and Other Severely Handicapped	41, 51
Commodity Credit Corporation	7, XIV
Commodity Futures Trading Commission	17, I
Community Planning and Development, Office of Assistant Secretary for	24, V, VI
Community Services, Office of	45, X
Comptroller of the Currency	12, I
Construction Industry Collective Bargaining Commission	29, IX
Consumer Product Safety Commission	16, II

Agency	CFR Title, Subtitle or Chapter
Contract Appeals, Board of	7, XXIV
Cooperative State Research Service	7, XXXIV
Copyright Office	37, II
Copyright Royalty Tribunal	37, III
Council on Environmental Quality	40, V
Customs Service, United States	19, I
Defense Department	32, Subtitle A
Air Force Department	32, VII
Army Department	32, V; 33, II; 36, III, 48, 51
Engineers, Corps of	33, II; 36, III
Federal Acquisition Regulation	48, 2
Navy Department	32, VI; 48, 52
Secretary of Defense, Office of	32, I
Defense Logistics Agency	32, XII
Delaware River Basin Commission	18, III
Drug Enforcement Administration	21, II
East-West Foreign Trade Board	15, XIII
Economic Affairs, Under Secretary (Commerce)	37, V
Economic Analysis, Bureau of	15, VIII
Economic Analysis Staff, Department of Agriculture	7, XXXIX
Economic Development Administration	13, III
Economics Management Staff	7, XL
Economic Research Service	7, XXXVII
Education, Department of	
Bilingual Education and Minority Languages Affairs, Office of	34, V
Civil Rights, Office for	34, I
Educational Research and Improvement, Office of	34, VII
Elementary and Secondary Education, Office of	34, II
Federal Acquisition Regulation	48, 34
Postsecondary Education, Office of	34, VI
Secretary of Education, Office of	34, Subtitle A
Special Education and Rehabilitative Services, Office of	34, III
Vocational and Adult Education, Office of	34, IV
Educational Research and Improvement, Office of	34, VII
Elementary and Secondary Education, Office of	34, II
Employees' Compensation Appeals Board	20, IV
Employees Loyalty Board, International Organizations	5, V
Employment and Training Administration	20, V
Employment Standards Administration	20, VI
Endangered Species Committee	50, IV
Energy, Department of	10, II, III, X; 41, 109
Federal Acquisition Regulation	48, 9
Federal Energy Regulatory Commission	18, I
Energy, Office of, Department of Agriculture	7, XXIX
Engineers, Corps of	33, II; 36, III
Engraving and Printing, Bureau of	31, VI
Environmental Protection Agency	40, I; 41, 115; 48, 15
Environmental Quality, Office of (Agriculture Department)	7, XXXI
Equal Employment Opportunity Commission	29, XIV
Equal Opportunity, Office of Assistant Secretary for	24, I
Executive Office of the President	3, I
Administration, Office of	5, XV
Export Administration Bureau	15, VII
Export-Import Bank of the United States	12, IV
Family Assistance, Office of	45, II
Family Support Administration	45, II, III, IV, X
Farm Credit Administration	12, VI
Farm Credit System Assistance Board	12, XIII
Farm Credit System Insurance Corporation	12, XIV
Farmers Home Administration	7, XVIII
Federal Acquisition Regulation	48, 1
Federal Aviation Administration	14, I
Federal Claims Collection Standards	4, II
Federal Communications Commission	47, I

Agency	CFR Title, Subtitle or Chapter
Federal Contract Compliance Programs, Office of	41, 60
Federal Crop Insurance Corporation	7, IV
Federal Deposit Insurance Corporation	12, III
Federal Election Commission	11, I
Federal Emergency Management Agency	44, I; 48, 44
Federal Energy Regulatory Commission	18, I
Federal Financial Institutions Examination Council	12, XI
Federal Financing Bank	12, VIII
Federal Grain Inspection Service	7, VIII
Federal Highway Administration	23, I, II; 49, III
Federal Home Loan Mortgage Corporation	1, IV
Federal Housing Finance Board	12, IX
Federal Information Resources Management Regulations	41, Subtitle E, Ch. 201
Federal Inspector for the Alaska Natural Gas Transportation System, Office of	10, XV
Federal Labor Relations Authority, and General Counsel of the Federal Labor Relations Authority	5, XIV; 22, XIV
Federal Law Enforcement Training Center	31, VII
Federal Maritime Commission	46, IV
Federal Mediation and Conciliation Service	29, XII
Federal Mine Safety and Health Review Commission	29, XXVII
Federal Pay, Advisory Committee on	5, IV
Federal Prison Industries, Inc.	28, III
Federal Property Management Regulations	41, 101
Federal Property Management Regulations System	41, Subtitle C
Federal Railroad Administration	49, II
Federal Register, Administrative Committee of	1, I
Federal Register, Office of	1, II
Federal Reserve System	12, II
Federal Retirement Thrift Investment Board	5, VI
Federal Service Impasses Panel	5, XIV
Federal Trade Commission	16, I
Federal Travel Regulation System	41, Subtitle F
Finance and Management, Department of Agriculture	7, XXX
Fine Arts Commission	45, XXI
Fiscal Service	31, II
Fish and Wildlife Service, United States	50, I, IV
Fishery Conservation and Management	50, VI
Fishing and Whaling, International Regulatory Agencies	50, III
Food and Drug Administration	21, I
Food and Nutrition Service	7, II
Food Safety and Inspection Service	9, III
Foreign Agricultural Service	7, XV
Foreign Assets Control, Office of	31, V
Foreign Claims Settlement Commission of United States	45, V
Foreign Economic Development Service	7, XXI
Foreign Service Grievance Board	22, IX
Foreign Service Impasse Disputes Panel	22, XIV
Foreign Service Labor Relations Board	22, XIV
Foreign-Trade Zones Board	15, IV
Forest Service	36, II
General Accounting Office	4, I, II, III
General Sales Manager, Office of	7, XXV
General Services Administration	
Contract Appeals Board	48, 61
Federal Acquisition Regulation	48, 5
Federal Information Resources Management Regulations	41, Subtitle E, Ch. 201
Federal Property Management Regulations System	41, 101, 105
Federal Travel Regulation System	41, Subtitle F
Payment of Expenses Connected With the Death of Certain Employees	41, 303
Reduction in Meeting and Training Allowance Payments	41, 304
Relocation Allowances	41, 302
Travel Allowances	41, 301
Geological Survey	30, IV
Government Ethics, Office of	5, XVI

Agency	CFR Title, Subtitle or Chapter
Government National Mortgage Association	24, III
Grants and Program Systems, Office of	7, XXXII
Great Lakes Pilotage	46, III
Harry S. Truman Scholarship Foundation	45, XVIII
Health and Human Services, Department of	45, Subtitle A
Child Support Enforcement, Office of	45, III
Community Services, Office of	45, X
Family Assistance, Office of	45, II
Family Support Administration	45, II, III, IV, X
Federal Acquisition Regulation	48, 3
Food and Drug Administration	21, I
Health Care Financing Administration	42, IV
Human Development Services Office	45, XIII
Inspector General, Office of	42, V
Public Health Service	42, I
Refugee Resettlement, Office of	45, IV
Social Security Administration	20, III; 45, IV
Health Care Financing Administration	42, IV
Housing and Urban Development, Department of	
Community Planning and Development, Office of Assistant Secretary for	24, V, VI
Equal Opportunity, Office of Assistant Secretary for	24, I
Federal Acquisition Regulation	48, 24
Government National Mortgage Association	24, III
Housing—Federal Housing Commissioner, Office of Assistant Secretary for	24, II, VIII, X, XX
Inspector General, Office of	24, XII
Mortgage Insurance and Loan Programs Under Emergency Homeowners' Relief Act	24, XV
Public and Indian Housing, Office of Assistant Secretary for	24, IX
Secretary, Office of	24, Subtitle B, VII
Solar Energy and Energy Conservation Bank	24, XI
Housing—Federal Housing Commissioner, Office of Assistant Secretary for	24, II, VIII, X, XX
Human Development Services Office	45, XIII
Immigration and Naturalization Service	8, I
Indian Affairs, Bureau of	25, I
Indian Arts and Crafts Board	25, II
Information Agency, United States	22, V; 48, 19
Information Resources Management, Office of, Agriculture Department	7, XXVII
Information Security Oversight Office	32, XX
Inspector General, Office of, Agriculture Department	7, XXVI
Inspector General, Office of, Health and Human Services Department	42, V
Inspector General, Office of, Housing and Urban Development Department	24, XII
Inter-American Foundation	22, X
Intergovernmental Relations, Advisory Commission on	5, VII
Interior Department	
Endangered Species Committee	50, IV
Federal Acquisition Regulation	48, 14
Federal Property Management Regulations System	41, 114
Fish and Wildlife Service, United States	50, I, IV
Geological Survey	30, IV
Indian Affairs, Bureau of	25, I
Indian Arts and Crafts Board	25, II
Land Management Bureau	43, II
Minerals Management Service	30, II
Mines, Bureau of	30, VI
National Park Service	36, I
Reclamation Bureau	43, I
Secretary of the Interior, Office of	43, Subtitle A
Surface Mining and Reclamation Appeals, Board of	30, III
Surface Mining Reclamation and Enforcement, Office of	30, VII

Agency	CFR Title, Subtitle or Chapter
United States Fish and Wildlife Service	50, I, IV
Internal Revenue Service	26, I
International Boundary and Water Commission, United States and Mexico	22, XI
International Cooperation and Development Office, Department of Agriculture	7, XXII
International Development, Agency for	22, II
International Development Cooperation Agency	22, XII
International Development, Agency for	22, II
Overseas Private Investment Corporation	22, VII
International Joint Commission, United States and Canada	22, IV
International Organizations Employees Loyalty Board	5, V
International Regulatory Agencies (Fishing and Whaling)	50, III
International Trade Administration	15, III; 19, III
International Trade Commission, United States	19, II
Interstate Commerce Commission	49, X
Japan-United States Friendship Commission	22, XVI
Joint Board for the Enrollment of Actuaries	20, VIII
Justice Department	28, I; 41, 128
Drug Enforcement Administration	21, II
Federal Acquisition Regulation	48, 28
Federal Claims Collection Standards	4, II
Federal Prison Industries, Inc.	28, III
Foreign Claims Settlement Commission of the United States	45, V
Immigration and Naturalization Service	8, I
Offices of Independent Counsel	28, VI
Prisons, Bureau of	28, V
Labor Department	
Benefits Review Board	20, VII
Employees' Compensation Appeals Board	20, IV
Employment and Training Administration	20, V
Employment Standards Administration	20, VI
Federal Acquisition Regulation	48, 29
Federal Contract Compliance Programs, Office of	41, 60
Federal Procurement Regulations System	41, 50
Labor-Management Relations and Cooperative Programs, Bureau of	29, II
Labor-Management Standards, Office of	29, IV
Mine Safety and Health Administration	30, I
Occupational Safety and Health Administration	29, XVII
Pension and Welfare Benefits Administration	29, XXV
Public Contracts	41, 50
Secretary of Labor, Office of	29, Subtitle A
Veterans' Employment and Training, Office of the Assistant Secretary for	41, 61; 20, IX
Wage and Hour Division	29, V
Workers' Compensation Programs, Office of	20, I
Labor-Management Relations and Cooperative Programs, Bureau of	29, II
Labor-Management Standards, Office of	29, IV
Land Management, Bureau of	43, II
Legal Services Corporation	45, XVI
Library of Congress	36, VII
Copyright Office	37, II
Management and Budget, Office of	5, III
Marine Mammal Commission	50, V
Maritime Administration	46, II
Merit Systems Protection Board	5, II
Micronesian Status Negotiations, Office for	32, XXVII
Mine Safety and Health Administration	30, I
Minerals Management Service	30, II
Mines, Bureau of	30, VI
Minority Business Development Agency	15, XIV
Miscellaneous Agencies	1, IV
Monetary Offices	31, I

Agency	CFR Title, Subtitle or Chapter
Mortgage Insurance and Loan Programs Under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development	24, XV
National Aeronautics and Space Administration	14, V; 48, 18
National Agricultural Library	7, XLI
National Agricultural Statistics Service	7, XXXVI
National Archives and Records Administration	36, XII
National Bureau of Standards	15, II
National Capital Planning Commission	1, IV
National Commission for Employment Policy	1, IV
National Commission on Libraries and Information Science	45, XVII
National Credit Union Administration	12, VII
National Foundation on the Arts and the Humanities	45, XI
National Highway Traffic Safety Administration	23, II, III; 49, V
National Institute of Standards and Technology	15, II
National Labor Relations Board	29, I
National Marine Fisheries Service	50, II, IV
National Mediation Board	29, X
National Oceanic and Atmospheric Administration	15, IX; 50, II, III, IV, VI
National Park Service	36, I
National Railroad Adjustment Board	29, III
National Railroad Passenger Corporation (AMTRAK)	49, VII
National Science Foundation	45, VI; 48, 25
National Security Council	32, XXI
National Security Council and Office of Science and Technology Policy	47, II
National Telecommunications and Information Administration	15, XXIII; 47, III
National Transportation Safety Board	49, VIII
Navajo and Hopi Indian Relocation Commission	25, IV
Navy Department	32, VI; 48, 52
Neighborhood Reinvestment Corporation	24, XXV
Nuclear Regulatory Commission	10, I
Occupational Safety and Health Administration	29, XVII
Occupational Safety and Health Review Commission	29, XX
Office of Independent Counsel	28, VII
Offices of Independent Counsel, Department of Justice	28, VI
Operations Office, Department of Agriculture	7, XXVIII
Overseas Private Investment Corporation	22, VII
Oversight Board	12, XV
Packers and Stockyards Administration	9, II
Panama Canal Commission	48, 35
Panama Canal Regulations	35, I
Patent and Trademark Office	37, I
Payment of Expenses Connected With the Death of Certain Employees	41, 303
Peace Corps	22, III
Pennsylvania Avenue Development Corporation	36, IX
Pension and Welfare Benefits Administration, Department of Labor	29, XXV
Pension Benefit Guaranty Corporation	29, XXVI
Personnel Management, Office of	5, I; 45, VIII; 48, 17
Federal Employees Health Benefits Acquisition Regulation	48, 16
Postal Rate Commission	39, III
Postal Service, United States	39, I
Postsecondary Education, Office of	34, VI
President's Commission on White House Fellowships	1, IV
Presidential Documents	3
Prisons, Bureau of	28, V
Productivity, Technology and Innovation, Assistant Secretary (Commerce)	37, IV
Property Management Regulations System, Federal	41, Subtitle C
Public Contracts, Department of Labor	41, 50
Public Health Service	42, I
Railroad Retirement Board	20, II

Agency	CFR Title, Subtitle or Chapter
Reclamation Bureau	43, I
Reduction in Meeting and Training Allowance Payments	41, 304
Refugee Resettlement, Office of	45, IV
Regional Action Planning Commissions	13, V
Relocation Allowances	41, 302
Research and Special Programs Administration	49, I
Resolution Trust Corporation	12, XVI
Rural Electrification Administration	7, XVII
Rural Telephone Bank	7, XVI
Saint Lawrence Seaway Development Corporation	33, IV
Science and Technology Policy, Office of	32, XXIV
Science and Technology Policy, Office of, and National Security Council	47, II
Secret Service	31, IV
Securities and Exchange Commission	17, II
Selective Service System	32, XVI
Small Business Administration	13, I; 48, 22
Smithsonian Institution	36, V
Social Security Administration	20, III; 45, IV
Soil Conservation Service	7, VI
Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development	24, XI
Soldiers' and Airmen's Home, United States	5, XI
Special Counsel, Office of	5, VIII
Special Education and Rehabilitative Services, Office of	34, III
State Department	22, I
Federal Acquisition Regulation	48, 6
Surface Mining and Reclamation Appeals, Board of	30,III
Susquehanna River Basin Commission	18, VIII
Technology Administration	15, XI
Tennessee Valley Authority	18, XIII
Thrift Supervision Office, Department of the Treasury	12, V
Trade Representative, United States, Office of	15, XX
Transportation, Department of	44, IV
Coast Guard	33, I; 46, I, III; 49, IV
Commercial Space Transportation, Office of	14, III
Contract Appeals Board	48, 63
Federal Acquisition Regulation	48, 12
Federal Aviation Administration	14, I
Federal Highway Administration	23, I, II; 49, III
Federal Railroad Administration	49, II
Maritime Administration	46, II
National Highway Traffic Safety Administration	23, II, III; 49, V
Research and Special Programs Administration	49, I
Saint Lawrence Seaway Development Corporation	33, IV
Secretary of Transportation, Office of	14, II; 49, Subtitle A
Urban Mass Transportation Administration	49, VI
Transportation, Office of, Department of Agriculture	7, XXXIII
Travel Allowance	41, 301
Travel Service, United States	15, XII
Treasury Department	17, IV
Alcohol, Tobacco and Firearms, Bureau of	27, I
Comptroller of the Currency	12, I
Customs Service, United States	19, I
Engraving and Printing, Bureau of	31, VI
Federal Acquisition Regulation	48, 10
Federal Law Enforcement Training Center	31, VII
Fiscal Service	31, II
Foreign Assets Control, Office of	31, V
Internal Revenue Service	26, I
Monetary Offices	31, I
Secret Service	31, IV
Secretary of the Treasury, Office of	31, Subtitle A
Thrift Supervision Office	12, V
United States Customs Service	19, I
Truman, Harry S. Scholarship Foundation	45, XVIII

Agency	CFR Title, Subtitle or Chapter
United States and Canada, International Joint Commission	22, IV
United States Arms Control and Disarmament Agency	22, VI
United States Customs Service	19, I
United States Fish and Wildlife Service	50, I, IV
United States Information Agency	22, V; 48, 19
United States International Development Cooperation Agency	22, XII
United States International Trade Commission	19, II
United States Postal Service	39, I
United States Soldiers' and Airmen's Home	5, XI
United States Trade Representative, Office of	15, XX
United States Travel Service	15, XII
Urban Mass Transportation Administration	49, VI
Veterans Affairs Department	38, I; 48, 8
Veterans' Employment and Training, Office of the Assistant Secretary for	41, 61; 20, IX
Vice President of the United States, Office of	32, XXVIII
Vocational and Adult Education, Office of	34, IV
Wage and Hour Division	29, V
Water Resources Council	18, VI
Workers' Compensation Programs, Office of	20, I
World Agriculture Outlook Board	7, XXXVIII

Table of OMB Control Numbers

The OMB control numbers for Title 50, Chapters II and VI, were consolidated into § 204.1 at 52 FR 36780, Oct. 1, 1987. That section is reprinted below for the convenience of the user.

§ 204.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This part collects and displays control numbers assigned to information collection requirements of the National Marine Fisheries Service by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act (PRA) of 1980. This part fulfills the requirements of section 3507(f) of the PRA, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648—)
§ 215.12	-0084 and -0085
§ 215.13	-0084 and -0085
§ 216.24(b)(c)	-0083
§ 216.24(d)	-0099 and -0217
§ 216.24(e)	-0040
§ 216.31	-0084 and -0085
§ 216.33	-0084 and -0085
§ 222.11-2	-0078
§ 222.11-8	-0079
§ 222.12-7	-0078
§ 222.23	-0084 and -0085
§ 228	-0151
§ 229.05	-0224
§ 229.6	-0225
§ 229.7	-0225
§ 250.4	-0133
§ 250.14	-0133
§ 253.3	-0102 [1]
§ 255.4	-0012 [1]
§ 259.30	-0090
§ 259.35	-0041
§ 285.21(l)	-0097
§ 285.25(d)	-0161
§ 285.27	-0031
§ 285.28	-0097
§ 285.29	-0013
§ 296.5	-0082
§ 611.3	-0089
§ 611.4	-0075
§ 611.50	-0075
§ 611.61	-0075
§ 611.70(j)(9)	-0075
§ 611.80	-0075
§ 611.81	-0075
§ 611.82	-0075
§ 611.90	-0075
§ 611.92	-0075
§ 611.94	-0075
§ 630.4	-0149
§ 630.5(a)	-0016
§ 630.5(b)	-0236
§ 638.4(g)	-0097
§ 638.7	-0136
§ 640.6(b)	-0205
§ 641.4	-0097
§ 641.5(b)	-0016
§ 641.5(c) and (d)	-0013
§ 641.5(g)	-0016
§ 641.5(h)	-0013
§ 642.4	-0097
§ 642.4(a)(3), (b)(4), and (k)	-0183
§ 644.24(b)	-0216
§ 645.4	-0205
§ 645.6	-0205
§ 650.4	-0097
§ 651.4	-0097
§ 651.4	-0097
§ 651.	-0097
§ 651.22	-0016
§ 651.22(f)	-0016
§ 652.4	-0097
§ 652.5(a)(2) (iii) and (iv)	-0114
§ 652.5 remaining paragraphs of (a)	-0013
§ 652.5(b)(5)	-0016
§ 652.5(b)(7)	-0097
§ 652.7(a)(4) and (l)	-0097
§ 652.22(a)	-0097
§ 653.5	-0177
§ 654.4(b)	-0097
§ 654.5(a)	-0016
§ 654.5(b)	-0013
§ 655.4(a)	-0097
§ 655.4(b)(2)	-0097
§ 656.22(e)(2)	-0114
§ 658.5	-0013
§ 663.4	-0114
§ 663.10	-0097 [1]
§ 669.6	-0097
§ 671.4(a) through (d)	-0016
§ 671.4(e)	-0114
§ 672.4	-0097
§ 672.5(a)(2)(ii)	-0016

best copy available

50 CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648—)
§ 672.5(b)(4) and (c)(4)	-0114
§ 674.4	-0097
§ 674.5	-0016
§ 675.4	-0097
§ 675.5(a)	-0016
§ 675.5(b)	-0114
§ 680.4	-0097
§ 680.5	-0016
§ 681.4	-0097
§ 681.5(a)	-0016
§ 681.5(c)	-0013

[1] Pending.

[50 FR 46068, Nov. 6, 1985, as amended at 52 FR 36780, Oct. 1, 1987; 52 FR 38233, Oct. 15, 1987; 53 FR 24644, June 29, 1988; 54 FR 13890, Apr. 6, 1989; 54 FR 14239, Apr. 10, 1989; 54 FR 16125, Apr. 21, 1989; 54 FR 22758, May 26, 1989; 54 FR 23663, June 2, 1989; 54 FR 30046, July 18, 1989; 54 FR 51723, Dec. 15, 1989; 55 FR 35643, Aug. 31, 1990]

List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations which were made by documents published in the FEDERAL REGISTER since January 1, 1976, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for chapters and parts as well as sections for revisions.

1976

50 CFR

41 FR Page

Chapter VI
Chapter established........39436
601 Added........39436
602 Added........39441
603 Heading added........39445

1977

50 CFR

42 FR Page

Chapter VI
601 Comment time extended........2968
  Revised........34452
601.2 (j) added........36980
  Comment time extended........42216
601.12 Revised........36980
  Comment time extended........42216
601.13 Heading removed........36980
  Comment time extended........42216
601.23 (c)(3) introductory text amended; (c)(3) (i) through (v) added........36980
  Comment time extended........42216
602 Comment time extended........2968
  Revised........34458
602.3 Revised........36981
  Comment time extended........42216
602.4 Added........36983
  Comment time extended........42216
611 Added........8813
  Revised........60682
611.3 (f) corrected........12057
611.9 (a) corrected........12057, 16631
611.10 (a) corrected........12057
  (b) revised........38183
611.11 (a) corrected........12057
  (d) added........61471
  (d) revised........62926

50 CFR—Continued

42 FR Page

Chapter VI—Continued
611.20 (b) corrected; (d) removed........12057
  (c)(1), (d), (e), (f), and (g) added........12176
  (c)(1) table 2 and (g) corrected........16631
  (c)(1) table 2 corrected........18607
  (b) and (c)(1) tables amended........39106, 41430
  (c)(1) table 2 footnotes amended........44548
  (c)(1) table 2 footnote 4 amended........52425
  (c)(1) table 2 amended........60149
611.50 (j)(2) corrected........12057
  (g) revised........35970, 38183
  (b)(3)(ii), (c)(2), (d)(1)(iii), and (e)(2) corrected........2727
611.51 (j)(2) corrected........12057
  (g) revised........35970, 38183
  (b)(1) amended........39107
  (b)(1) and (2) amended........41430
611.52 (e)(2) and (j)(2) corrected........12057
  (g) revised........35970, 38183
611.53 (j)(2) corrected........12057
  (g) revised........35970, 38183
  (c) revised........37558
611.54 (j)(2) corrected........12057
  (d) corrected........16631
611.70 (b)(1) table, (b)(2)(ii), (c), (d)(2)(iii), and (f)(2) corrected........12057
  (b)(2)(i) revised; (e)(1) amended........44548
  (b)(2)(i) revised........52425
611.80 (a) and (f)(4) corrected........12057

50 CFR—Continued

42 FR Page

Chapter VI—Continued

611.90 (h) introductory text, (1), (2), (3), (4), and (10) corrected....16631
(g)(2) and (4) revised; (g)(5) and (6) added....22559
611.91 Correctly designated....8841, 12057
(c)(2), (d)(1)(iv) and (vi), (3), and (h) introductory text, (2), and (10) corrected....16631
611.92 (d)(2), (d)(3)(iii) corrected....12057
(c)(2) introductory text and (vi) and (h) introductory text, (2) and (10) corrected....16631
(c)(2)(i) revised....22559
(d)(3) and (4) amended....60915
611.93 (b)(1), (h) introductory text, (2) and (10) corrected....16631
611.94 (h) introductory text and (10) corrected....16631
620 Added....11839
621 Added....12026
651 Added....13998
Effective date extended to 6-12-77....21784
Revised....29876
651.3 (a)(1) and (a)(2) and (3) tables amended; (a)(2) and (3) footnotes 2 removed....58413
Interpretation; eff. 12-23-77 to 12-31-77....63892
(a) introductory text amended; (a) (1) and (2) revised....65187
651.6 (a) and (c) amended....58413
Interpretation....63892
651.7 (a) revised....15065
(b) revised; (c) removed; (d) redesignated as (c) and amended....58413
Interpretation....63892
(c) and (d) revised; eff. 1-1-78 to 2-14-78....65187
651.8 (a) (2) and (3) revised; (a)(4) added; eff. 1-1-78 to 2-14-78....65187
651.11 (e) amended; eff. 1-1-78 to 2-14-78....65187
651.12 Revised; eff. 1-1-78 to 2-14-78....65187
651 Appendix A removed; eff. 1-1-78 to 2-14-78....65187
652 Added; interim....59948
652.8 (a) revised....65188
661 Added (eff. 5-25-77 to 7-8-77)....21412

50 CFR—Continued

Chapter VI—Continued

Extension of time to 7-24-77....2
Added; final regulations....3
661.8—661.11 Amended....2
Effective date extended....3
661.8 (c)(2) added....2
661.10 (b) redesignated as (c); new (b) added....3
680 Added....4

1978

50 CFR

Chapter VI

FMP amendments....27549, 2
611 Revised....5
611.2 (f), (l)(2) and (v) corrected....
(p)(1) amended; (ee) added....1
611.3 Table of contents corrected....
(d) corrected....
611.4 (b) Tables I and II corrected....
611.9 (d)(3) and (4), (e)(1), and Appendixes I through IV corrected....
Appendixes I and II amended....1
611.11 (d) revised....
611.12 (b) corrected....
611.15 (c) corrected....
611.20 (c) table I amended....
(c) revised....35720,
(c) table I amended....4
50442, 51637, 56242, 5
59076, 59846
(c) table I amended; (c) table I footnotes 4 through 9 revised....
611.22 Added....
Revised....
(c) added....
(d) added....
611.50 (e)(1) revised....
(a) amended....
(c)(6) added....
(b)(2) revised....
(d)(2) added....
611.60 (Subpart D) Added....
611.70 (b)(1), (f)(1)(iii) and (3) corrected; (b)(2)(i) and (ii) correctly designated....
611.80 (Subpart F) Heading corrected....

50 CFR—Continued

43 FR Page

Chapter VI—Continued

- (e)(2)(ii) and (4) corrected....2727
- 611.90 (c)(2)(ix) corrected....2727
- 611.91 Added....10566
  - (c) and (f) revised....29128
  - Revised....59076
- 611.92 (b)(1)(i) table (2), (3)(i)(A), (B), (C), and (E), (iii), (iv) and (v), and (c) corrected....2727
  - (a) and (b)(2) revised; (c) redesignated as (d) and revised; (b)(3)(vi) and new (c) added....15431
  - (b)(3)(vii) correctly revised...27548, 30065
  - (b)(3)(vi) clarification....39586
  - (b)(1)(i) table amended....43462
  - (b) table I amended....51637
  - Revised....52715
  - (b)(1) introductory text table I revised; (b)(1)(ii) added; (b)(2)(ii)(D) amended....56243
- 611.93 Heading revised....2726
  - Heading, (b)(1) Table I and (iii)(B), (b)(2) introductory text, (ii)(A), (iii)(C),(3)(i)(A) and (B)(1) through (4) corrected....2727
  - (b) table I amended....50442, 54638, 58191
- 611.94 Table of contents corrected....2726
  - (a) corrected....2728
  - (c) introductory text and (1) revised....27548
  - Removed; superseded by 611.92....52717
- 611.95 (d) corrected....2728
- 651 Revised; interim....13578
  - Effective date extended....20505, 31015, 39108
  - Revised; final....28503
  - Revised....45874
  - Temporary regulation....52252
- 651.2 Amended....14969
- 651.3 (a) introductory text, (1) and (2) eff. date extended 2-15-78 to 3-31-78....6094
  - (a)(1) and (3) amended....14969
  - (a)(1) and (2) revised....31018
  - Effective date extended to 10-14-78....39108
- 651.3 Interpretation....41405
- 651.4 Revised....31018
  - Redesignated as 651.5; new 651.4 added....31341

50 CFR—Continued

43 FR Page

Chapter VI—Continued

- 651.5 Redesignated as 651.6; new 651.5 redesignated from 651.4....31341
  - Effective date extended to 10-14-78....39108
- 651.6 (a) and (c) revised....14969
  - (c) revised....19234
  - Revised....31018
  - Redesignated as 651.7; new 651.6 redesignated from 651.5....31341
- 651.7 (c) and (d) eff. date extended 2-15-78 to 3-31-78....6094
  - (a) introductory text and (d) revised; (b) amended; (e) added....14969
  - (a) and (b) revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) added....17362
  - Interpretation....27549
  - Revised....31018
  - Redesignated as 651.8 and (a) revised; new 651.7 redesignated from 651.6....31341
  - Interpretation....32427, 35488
  - Effective date extended to 10-14-78....39108
- 651.8 (a)(2) amended....778
  - (a) (2), (3) and (4) eff. date extended 2-15-78 to 3-31-78....6094
  - (a) revised; (b) added....14969
  - Revised....31019
  - Redesignated as 651.9; new 651.8 redesignated from 651.7 and (a) revised....31341
  - Interpretation....32427,
  - Effective date extended to 10-14-78....39108
  - (b) and (c) revised; (d) amended....42765
- 651.9 Redesignated as 651.10; new 651.9 redesignated from 651.8....31341
  - Effective date extended to 10-14-78....39108
- 651.10 (b) amended....14969
  - Redesignated as 651.11; new 651.10 redesignated from 651.9....31341
- 651.11 (a) and (b) revised....778
  - (e) eff. date extended 2-15-78 to 3-31-78....6094
  - Redesignated as 651.12; new 651.11 redesignated from 651.10....31341

50 CFR—Continued

43 FR Page

Chapter VI—Continued
651.12 Eff. date extended 2-15-78 to 3-31-78....6094
  Redesignated from 651.11....31341
651.24 (d) revised....58570
651 Appendix A eff. date extended 2-15-78 to 3-31-78....6094
  Appendixes A and B revised....55886
  Appendix B revised....53040, 55412, 58570,
652 Added; final....6952
652 Temporary regulation....50443, 54252, 59388
652.6 (a) amended....13582
  (a) interpretation....40527
  (a) amended; eff. 10-1 to 12-31-78....46033
652.7 (a)(1) revised....7209, 13582
  (a)(1) correctly designated; (a)(3) interpretation....19397
  Interpretation; eff. 7-1-78 to 9-30-78....27549
  (a)(1) revised; eff. 10-1 to 12-31-78....46033
  (a)(1) revised; eff. 1-1 to 3-31-79....59389
652.8 (a) revised....4029
  Interpretation....42765
652.9 Revised....54639
653 Added; emergency....60476
661 Revised; interim....15630
  Effective date extended....22214
  FMP boundary line....27993
  Revised....29791
661.9 (c) table corrected....21681
662 Added....40868
671 Added....57150
672 Added....52717
672.20 (a)(1) table I revised; (c) added....56241

Chapter VIII
Chapter established....39306
810 Added....39306

1979

50 CFR

44 FR Page

Chapter VI
PMP amendments....76540
FMP amendments....64412, 64421
601.12 Interim rule finalized....23528
602.2 (b)(5) amended; interim....7710
  Comment time extended....20441

50 CFR—Continued

44 FR Page

Chapter VI—Continued
602.3 (b)(8)(iv) existing text designated as (b)(8)(iv)(A); (b)(9)(iii) redesignated as (iv); (b)(8) (ii)(I), (iv)(B), (v), and new (9)(iii) added; (b) (9)(ii), (14)(ii) heading, and (iii) revised; (b) (13)(viii) and (14)(ii) amended; interim....7710
  Comment time extended....20441
602.4 (b)(8)(v) added; (b)(14)(ii) revised; interim....7710
  Comment time extended....20441
602.5 (d)(1) revised; (d)(2) amended; interim....7710
  Comment time extended....20441
603 Added; interim....70481
611.4 (d) and (e) corrected....17184
611.9 (d)(2)(vi) revised; appendix III amended....15727
  Appendixes I, II, and IV corrected....17184
  (d)(2)(vi) and Appendix III effective date correctly added....18508
  Appendix I table amended....54064
  Appendix I amended....64421
  (d)(4) and (e)(1) revised; Appendix IV amended....65590
611.11 (c) table I amended....4685, 15505, 18030, 30099, 44855
  (c) table I corrected....17184
  Correctly designated; (c) table I corrected....21022
  (c) table I amended; (c) table I footnote 1 revised....31652
  (c) table I amended....45399
  (c) table I amended....50043, 52216, 54301, 54064, 55590
611.20 (c) table I amended....57102, 64418
  (a) and (b) amended; (c) table removed; (c) revised....76541
  Appendix I added....76542
611.21 Existing text designated as (a); (b) added....76297
611.22 (b) table amended....54064
  (a)(1) revised....76297
  (a)(2) and (3)(iii) amended; (b) revised; (d) removed....76298
611.50 (e)(1) (vii) and (viii) revised; (e)(2)(i) amended....15727
  Table I revised; (e)(2)(ii) corrected....17184
  (e)(1)(vii), (viii), and (2)(i) effective date correctly

50 CFR—Continued 44 FR Page

Chapter VI—Continued
added ... 18508
(d)(1)(i) revised ... 31652
(d)(1) revised ... 46286
(b)(3) revised ... 76541
611.60 (b)(2) revised ... 76541
611.70 (Subpart E) Heading revised ... 17184
Text added ... 31652
(b)(1) table I revised ... 45399
611.80 (f)(1)(i)(A) revised ... 17184
611.91 Eff. date extended to 10-31-79 ... 1115
(b)(2) amended; (d) and (f)(1) revised; (f)(5) added ... 15504
611.92 (b)(1) introductory text table I revised ... 4686
(d)(2)(iv)(B) revised ... 17184
(b) table I revised ... 18030
(b) table I amended ... 30099
(b) table I footnote 5 corrected ... 37938
(b) table I revised ... 44856
(b)(1) introductory text, (i), (2)(i)(A) and (B), (ii)(A) and (B), and (iii) amended; (b)(1) table I and figure 1 revised ... 50043
(b)(1)(ii)(A), (b)(2)(ii) introductory text and (C), and (c) revised; (b)(2)(i)(D) added; (b)(2)(ii) (D) and (E) removed; (d)(3) (i), (ii), and (iii) revised ... 50044
(b) table I footnote 4 corrected ... 51802
(b) table I revised ... 52216, 54064
(b)(2)(ii) (A) and (B) amended; (b)(1) table I revised ... 54065
(b) table I revised ... 55590
(b)(2) amended ... 76542
611.92 (a)(3) and (b)(1) revised ... 64418
(b)(2)(i)(E) added; (c) text designated as (c)(1); (c)(2) added ... 64420
611.93 (b)(2) amended ... 76542
611.94 (b)(2) amended ... 76542
651 Revised ... 887
651.23 (a) redesignated as (a)(1); (a) (2) and (3) added; (b) and (f)(1) amended ... 42980
(a) (1), (2) and (3), (b) and (f)(1) emergency regulations extended to 9-30-79 ... 53174
(a) revised ... 55886
651.24 (c) corrected ... 16018
(c) revised ... 55886
651 Appendixes A and B added ... 2397

50 CFR—Continued 44 FR Page

Chapter VI—Continued
6733, 42980
Appendix B revised ... 16018, 22745, 24079
652 Temporary regulation ... 11072, 73108
652.4 (b)(3) added ... 36395
652.6 (a) and (b) revised ... 55591
652.7 (a)(1) revised ... 11072
(a)(1) revised (temporary) ... 20442
(a)(1)(i) added ... 36395
(a)(2), (3), and (4) revised ... 55591
(a)(1) revised (temporary) ... 56942, 60103
652.9 (b) revised ... 55591
652.13 (a)(1)(viii), (ix), and (x) removed; (a)(2) revised; (a)(3) added ... 55591
653 Emergency regulations extended ... 7711
Temporary regulation ... 16018, 56701
Added; final ... 17187
Corrected ... 20442
653.21 (b)(3) added; emergency ... 18509
(b)(3) added; final ... 37617
(a)(1) and (2) and (b)(1) and (2) revised; emergency ... 38529
(a)(1) and (2) and (b)(1) and (2) emergency regulations extended ... 48226
(a)(1) and (2) and (b) (1) and (2) revised ... 56700
654 Added; emergency ... 18032
Emergency regulations extended ... 24849
Revised ... 53520
655 Added ... 77176
661 Revised; emergency ... 24293
Technical correction ... 26747
Extension of emergency regulations ... 31983
Revised ... 42984
661.9 (a)(1)(ii) revised; (f) added; emergency; eff. 7-24 to 9-8-79 ... 43734
662 Temporary regulation ... 31654
FMP amendment approved ... 41806
671 FMP effective date extended to 10-31-79 ... 1115
671.21 (a) table I amended ... 15505
671.26 (e)(2)(i) amended ... 5886
(f)(3)(i) revised ... 18512
Temporary regulation confirmed ... 20696
(f)(3)(iv) amended ... 30689

50 CFR—Continued

44 FR Page

Chapter VI—Continued

672.2 Amended.................50044, 54065
672.4 (e) revised.................50044
672.5 (b) and (d) amended.................50044
Revised.................64416
672.20 (a)(1) table I revised...4686, 30099
(a)(1) table I amended.................37938
(a)(1) table I revised.................44856
(a)(1) table I, (c)(1), and (e)(1) revised.................50044
(b) (1), (2), (5), and (e)(2) amended.................50045
(a)(1) table I corrected.................51802
(a)(1) table I revised...52215, 54065, 54066
(a) and (c) revised.................64417
672.22 (b)(3)(i) amended.................50045
672.24 Removed.................50045
672.25 Removed.................50045
674 Added; emergency.................29081
FMP published.................33250
Emergency regulations extended.................40519
674.4 (b)(1) (i) and (ii), (c)(1)(ii)(A), and (2) amended; (d)(4) revised; (g) added.................51990
674.21 (c) corrected.................41467
674.23 (a)(2) (i) and (ii) amended; (a)(2)(iii) added.................46287
(a)(2) revised; emergency.................53086

Chapter VIII

810 Annex A added.................47912
810 Undesignated annex removed; Annexes C through G added.................55546
810 Annex B added.................59094

1980

50 CFR

45 FR Page

Chapter VI

PMP amendments.................1029, 9940, 14584, 34004
FMP amendments.................11498, 63286, 66461, 82269
611.3 Effective in part 5-1-80......14582
Effective date stayed in part to 7-1-80.................37695
611.3 (f) removed; (d) and (e) redesignated as (e) and (f); new (d) added.................82268
611.4 (b) table II amended.................31378
611.8 (d) added.................15182
611.9 Appendix I amended...6405, 14046

50 CFR—Continued

45 FR Page

Chapter VI—Continued

Appendixes I and II amended....14587
Appendix II amended.................15935
Appendix I amended.................34007
611.15 (a)(6) and (7) amended; (a)(8) added.................86498
611.20 Appendix I amended.................1037, 9941, 14588, 34005, 41434, 45292, 45297, 50612, 53832, 57137, 63862
Appendix I corrected.................70277
Appendix I amended.................72669, 73493, 81057
Appendix I correctly revised...84806
(c) removed.................86498
611.21 (b)(1) revised.................86498
611.22 (a)(1) revised.................82268
(a)(1)(i) amended; (a)(2) revised; (b) removed; (c) redesignated as (b) and revised.................86498
611.50 (b)(4)(ii) amended.................14046
611.51 Added.................63865
611.52 Added.................77446
611.70 (b)(1) table I revised.................57102
Revised.................34005
611.80 (a) and (b)(3) amended.....14587
611.81 Added.................14585
611.91 Effective date extended to 10-31-80.................786
(b)(2) and (d) revised.................72669
611.92 (b) table I revised...28147, 41436, 49572
(b)(2)(i)(E) correctly added.................58870
(b) table I revised.................67668
Revised.................73494
611.93 Revised.................1033
(e) revised.................15935
(b)(3)(i) revised; (b)(3)(iii)(D)(*1*) amended.................81056
611.95 Added.................1035
621 Revised.................18932
621.2 (d) added.................10350
651 Temporary regulation.................25403
Appendix B revised.................25404
Appendix B revised; eff. to 9-30-80.................61635
651.22 (e) revised; (f) added; emergency.................22950
(e) and (f) emergency regulation extended.................32699
651.24 (d)(2) revised; emergency.................22950
(d)(2) emergency regulation extended.................32699
651 Appendix B revised.................66462
652 Revised.................788

50 CFR—Continued

Chapter VI—Continued	45 FR Page
Temporary regulation	9939, 26966, 33637, 49084
Temporary regulation correctly designated	53480
Clarification	72196
653 Revised	52812
Temporary regulation	65246
655 Temporary regulation	19561
Revised	45298
655.1 (b) amended; eff. to 5-15-80	21647
(b) effective date extended	32001
655.2 Amended; eff. to 5-15-80	21647
Effective date extended	32001
Amended	63864
655.3 (a) revised; eff. to 5-15-80	21647
(a) effective date extended	32001
655.4 (a), (c)(2)(vi) through (ix), (3), (g), and (i) revised; (c)(1) amended; eff. to 5-15-80	21647
(a), (c), (1), (c) (2) (vi) through (ix), (3), (g), and (i) effective date extended	32001
655.5 (a)(1)(i), (3), and (b) revised; eff. to 5-15-80	21647
(a)(1)(i), (3), and (b) effective date extended	32001
655.6 (a) amended; (b) (2) revised; (b)(3) removed; eff. to 5-15-80	21648
(a), (b)(2) and (3) effective date extended	32001
655.7 (c), (f), and (i) amended; eff. to 5-15-80	21648
(c), (f), and (i) effective date extended	32001
655.21 (a) revised; (b) redesignated as (c); new (b) added; eff. to 5-15-80	21648
(a), (b), and (c) effective date extended	32001
655.22 Heading revised; text removed; eff. to 5-15-80	21648
Heading effective date extended	32001
Revised	63864
655.23 (a), (b), and (c) introductory text revised; eff. to 5-15-80	21648
(a), (b), and (c) introductory	
656 Added	11498
Revised	45293
656.1 (b) amended	21258
(b) effective date extended	32002
656.2 Amended	21258

50 CFR—Continued

Chapter VI—Continued	45 FR Page
Effective date extended	32002
656.4 (a) and (c)(2)(vii) revised	21258
(a) and (c)(2)(vii) effective date extended	32002
656.5 (a)(1)(i), (3) and (b) revised	21258
(a)(1)(i), (3), and (b) effective date extended	32002
656.6 (a) and (b)(2) amended	21258
(a) and (b)(2) effective date extended	32002
656.7 (c), (e), (f), and (i) revised	21258
(c), (e), (f), and (i) effective date extended	32002
656.8 (b)(2) and (c)(4) amended	21258
(b)(2) and (c)(4) effective date extended	32002
656.21 (a) revised; (b) redesignated as (c) and amended; new (b) added	21259
(a), (b), and (c) effective date extended	32002
656.22 Heading revised; text removed	21259
Heading effective date extended	32002
Added	77446
656.23 (b) revised; (c) amended	21259
(b) and (c) effective date extended	32002
657 Added	71359
661 Revised; emergency	29258
Emergency regulation extended	41961
Revised	50766
Temporary regulation	53832
Clarification	79817
661.10 (b)(3) revised; interim	50334
(a)(1)(ii) revised; expires 9-14-80	57726
Corrected	63287
661.11 (a)(1) and (2) revised; expires 9-14-80	57726
Corrected	63287
661.12 Revised; interim	50334
671 Revised	72669
671.26 (f)(2)(i), (ii), (iii), and (iv) revised	73078
671.21 (a) amended	786
671.26 (e)(2)(i) amended	1614
(f)(3)(i) revised	10801, 13468
(f)(3)(i)(D) and (E) added	14217

50 CFR—Continued

45 FR Page

Chapter VI—Continued

(f)(3)(i)(F) and (G) added 20108
(c) and (f)(3)(ii) revised 25816
(f)(3)(iv) revised 31113
(a) table I revised 6950, 28147, 41435, 49572
672 Revised 73487
672.20 Table I revised 67668
674.4 (a)(5) amended; emergency eff. 5-1 to 6-15-80 (amendments removed at 45 FR 30444) 28724
(a)(5) amended; emergency eff. 5-15 to 6-29-80 33639
(a)(5) emergency regulation extended to 8-13-80 44292
(a)(5) amended 59173
674.21 (a)(1) and (2) and (c) revised; (d) added; emergency eff. 5-1 to 6-15-80 (amendments removed at 45 FR 30444) 28724
(a)(1) and (2) and (c) revised; (d) added; emergency eff. 5-15 to 6-29-80 33639
(a)(1) and (2), (c), and (d) emergency regulation extended to 8-13-80 44292
(a)(1), (2), (c) and figure 1 revised; (d) added (final) 59173
674.22 (b)(1)(i) revised 59173
674.23 (a)(2) revised 47691
(a)(2) revised; emergency regulation 63287
674.24 (a)(2)(ii) added; emergency eff. 5-1 to 6-15-80 (amendments removed at 45 FR 30444) 28725
(a)(2)(ii) and (iii) added; emergency eff. 5-15 to 6-29-80 33639
(a)(2)(ii) and (iii) emergency regulation extended to 8-13-80 44292
(a)(2)(ii) added (final) 59173
674 Figure 1 revised; emergency eff. 5-1 to 6-15-80 (amendments removed at 45 FR 30444) 28724
Figure 1 revised; emergency eff. 5-15 to 6-29-80 33639
Figure 1 emergency regulation extended to 8-13-80 44292

Chapter VIII

Chapter removed 80448
810 Removed 80448

1981

50 CFR

46 FR Page

Chapter VI

611 Temporary regulation 14352
Authority citation 27485, 33040, 39832, 44986, 49129, 58336, 58699, 60003, 62863, 63302, 39187, 40441
FMP effective date extended 47079
611.8 (b) revised 60209
611.9 Appendix I corrected 7386
Appendix I amended 27486
Appendixes I, II, and IV amended 27494
Appendix I corrected 36861
Appendix II amended 63303
611.20 Appendix I amended 1739, 2082, 7386, 9118, 16103, 27486, 27494, 39832, 43174, 58336, 58699, 62863, 63304
Appendix I effective date deferred 12977
Appendix I amended; eff. 6-23-81 to 12-31-81 33040
Appendix I amended; eff. 9-9-81 to 12-31-81 44987
611.22 (a)(2)(i) revised; (a)(2)(iv) added 2081
611.50 (b)(2) revised 1739
611.53 Added 1739
611.60 Revised 27493
611.61 Added 27494
611.62 Added 27494
611.70 Revised 27486
611.80 (b)(2) revised 7386
(b)(2) effective date deferred 12977
611.81 (b)(4) heading revised and (iii) added 1739
611.92 (e)(2)(iii) revised 49129
611.93 (b)(4)(ii)(D) and (E) added; (b)(3)(i), (ii), and (iii)(A), (B), (C), (D)(2), (E), and (F) amended 60004
Revised (effective date pending in part) 63304
611.94 (b)(2) revised 1739
621.21-621.26 (Subpart B) Removed; interim 61653
621.31-621.42 (Subpart C) Removed; interim 61653
651 Authority citation 30348, 39830, 49589
Appendix A revised 3983
Appendix B revised 21366, 30348, 49589

50 CFR—Continued

46 FR Page

Chapter VI—Continued

Designation correction and temporary regulation.............. 49907
652 Temporary regulation.............1740
Authority citation....................... 37052
Temporary regulation.................37509
Authority citation effective date corrected........................... 40884
Authority citation............44989, 53183
652.4 (a)(3) and (d) revised; interim; eff. to 12-8-81................ 53183
(a)(3) and (d) interim effectiveness extended to 1-23-82......... 60826
652.7 (j) added; emergency effective to 8-28-81....................... 37052
Effective date corrected..............40884
(j) effectiveness extended to 10-23-81......................................44989
(j) added; interim; eff. to 12-8-81..53183
(j) interim effectiveness extended to 1-23-82......................60826
652.21 Revised; interim; eff. to 12-8-81...53183
Interim effectiveness extended to 1-23-82....................................60826
652.22 (a)(7) revised; emergency effective to 3-31-81......................3535
(a)(7) emergency effectiveness extended to 3-31-81..................15510
Revised; interim; eff. to 12-8-81..53183
Interim effectiveness extended to 1-23-82....................................60826
652.25 Added; emergency effective to 8-28-81........................... 37053
Effective date corrected..............40884
Effectiveness extended to 10-23-81.. 44989
FMP effective date extended.....47079
Added; interim; eff. to 12-8-81...53184
Interim effectiveness extended to 1-23-82....................................60826
653 Temporary regulation............50963
658 Added..27494
Temporary regulation..................27959
661 Revised; emergency interim effective to 7-20-81...................30638
Authority citation; emergency interim effectiveness extended to 9-3-81........................37706
Temporary regulation.....42070, 43977
Authority citation........................ 44991
Confirmed; final...........................44991
661.4 Revised; emergency rule effective to 9-3-81.....................37706
Confirmed......................................44991

50 CFR—Continued

46 FR Page

Chapter VI—Continued

661.10 (a) introductory text revised...44991
Technical correction.................... 45615
661.12 Nomenclature change...... 44991
Technical correction.................... 45615
Correctly revised.........................45960
661.13 (a) and (b) corrected.........37706
(a) and (b) correction confirmed...44991
671 Authority citation................ 23463, 23465, 23466, 23468, 57303, 58700
671.2 Amended............................... 57303
671.21 (c) amended........................ 57305
671.24 (a)(1) amended; (a)(4) removed.. 57303
671.26 (f)(4) added; effectiveness expires 5-15-81................. 18319
(f)(5) added (temporary)............ 23463
(e)(4) and (f)(6) added (temporary)...23465
(f)(7) added (temporary)............ 23466
(f)(8) and (9) added (temporary)...23468
(f)(1)(i) and (ii) revised; (f)(1)(iii) and (iv) redesignated as (f)(1)(iv) and (v); new (f)(1)(iii) added......................... 57303
(d)(2), (e)(2)(i) and (ii), and (f)(3) amended; (f)(2) revised...57305
(f)(2)(i) through (v) revised........58700
671.27 (a)(1), (b)(1), and (b)(4) (i), (ii), and (iv) amended.........57305
672 Authority citation......33040, 44988
672.20 (a) table I revised; eff. 6-23-81 to 12-31-81...................... 33041
(a) table I revised; eff. 9-9-81 to 12-31-81......................................44988
674 Authority citation................ 33047, 35518, 40519, 57302
Revised; interim; eff. 6-23-81 to 8-10-81...33047
Effective date extended to 9-24-81.. 40701
Interim revision confirmed......... 57302
674.5 Removed..................................57302
674.21 (a)(2) revised; eff 6-26-81 to 7-4-81.....................................35518
(a)(2)(i) and (ii) suspended to 9-21-81; (a)(2)(iii) and (iv) added, effective to 9-20-81......40519
674.23 (a)(1) and (2), and (b) (1), (2)(iv), (3) and (4) amended.....57302
675 Added...63307

1982

50 CFR

47 FR Page

Chapter VI
FMP amendments........... 14158, 20310
611 Authority citation.................... 628, 1295, 1296, 4267, 10228, 20775, 23938, 27863, 43970, 44265, 44266, 56651
Technical correction.................. 47845
Temporary regulations................7674, 8366, 34151
FMP effective date extended to 3-31-83.............................15341, 33512
Determination..............................38543
Appendix II corrected..................4083
611.4 (c) revised..............................43970
611.9 (d)(4) revised; Appendixes I and II amended......................43970
611.20 Revised................................44265
Appendix I amended.................... 1295, 1297, 23938, 20776, 27864, 44266
Appendix I amended; eff. 12-14-81 to 12-31-81....................... 4267
Appendix I corrected...................25018
Appendix I amended (temporary)..39187
611.22 (a)(1)(i), (2)(i), and (b) revised; (a)(2)(iv) removed..............629
Heading and Table I revised; interim...56651
611.50 (d)(2) revised.......................37555
(b)(3) revised....................................44265
611.52 (b) revised............................44265
611.60 (d) revised............................40441
(b)(2) revised....................................44265
611.61 (b) revised............................40441
611.70 Revised................................ 43970
(b)(1)(i) revised (revision removed at 48 FR 3622)...............44265
(j)(7)(ii) corrected......................... 47845
611.80 (b)(2) revised.................. 44265
611.81 (b)(4)(ii)(A) and (iii) removed; (b)(4)(i), (ii)(B), and (C) redesignated as (b)(4)(ii), (iii)(A), and (B) respectively; new (b)(4)(i) added; new (b)(4)(ii), and new (b)(4)(iii)(A) revised; (b)(4)(iii)(B) amended..............44265
611.90 (f) added............................. 10228
(e)(2)(i) removed; (e)(2)(ii) through (iv) redesignated as (e)(2)(i) through (iii); (a)(3), (e)(1), (e)(3)(i) and (f)(1) revised...23938
Nomenclature changes............... 23939
611.91 (b)(2) revised......................44265

50 CFR—Continued

47 F Pa

Chapter VI—Continued
611.92 (a)(3) removed; (c)(1)(i) revised... 4426
611.93 (c)(2)(ii)(F) revised............ 129
(c)(2)(i) corrected; (c)(2)(ii) (D) and (E) correctly removed; (c)(2)(ii)(F) correctly redesignated as (c) (2)(ii)(D).................. 408
(d) revision effective date confirmed..1022
(b)(1)(i) and (2) revised............... 4426
611.94 (b)(2) revised.......................4426
619 Added; interim..........................1218
Technical correction and comment time extended; interim.. 166
Effective date corrected to 4-16-82... 167
621 Policy statement........................ 688
640 Added; interim eff. 4-1-82 to 5-15-82...133
Interim effectiveness extended to 6-29-82.....................................212
Added; final.................................... 292
640.7 (b) corrected; (c) correctly added.. 155
650 Added; interim; eff. 5-15-82 to 6-28-82.....................................207
Interim effectiveness extended to 8-12-82..................................... 283
Added; final.................................... 359
651 Revised; interim eff. 3-31-82 to 5-14-82..................................... 133
Table of contents corrected....... 133
Revision interim effectiveness extended to 6-28-82..................207
Added...437
651.1—651.9 (Subpart A) Correctly designated............................ 141
651.21 (a)(1)(i)(A) through (E) corrected.. 191
652 Temporary regulation...37
385
Revised.. 42
654 Technical correction............. 442
Authority citation......................... 37
Authority citation; eff. 11-8-82...417
654.2 Amended.............................. 37
Amended; eff. 11-8-82.................417
654.5 (a) through (c) amended; eff. 11-8-82...................................417
654.22 (b) added; eff. 11-8-82...... 417
654.23 Revised; eff. 11-8-82.........417
654.24 Added.................................37

50 CFR—Continued

47 FR Page

Chapter VI—Continued
656 FMP effective date extended to 3-31-83..........15341, 33512
657 Temporary regulation...8366, 34151
FMP effective date extended to 3-31-83...........................15341, 33512
658 Temporary regulations..........22542
661 Authority citation.................. 4276, 21261, 24135, 24137, 35491, 38547
Revised; interim eff. 5-14-82 to 6-28-82..21261
Interim revision effective date extended to 8-11-82..................28105
Temporary regulation................30078, 30788, 32154, 32548, 34427, 36849
Interim revision effective date extended to 8-29-82..................30994
661.3 Amended; interim eff. 6-1-82 to 7-15-82..............................24136
Amended; interim eff. 5-29-82 to 6-11-82..................................24137
Amended....................................... 35491
Amended; final............................38547
661.5 (t) corrected...........................4276
661.6 (a)(3)(ii) revised; (a)(4) added... 4276
661.7 Introductory text amended..4276
(h) redesignated from 661.8(a)..35492
661.8 (a) redesignated as 661.7(h); (b) through (d) redesignated as (a) through (c)..35492
661.10 (a)(3) heading and (iii) revised; (b)(1) and (2), and (c) table amended; (a)(4) added..... 4276
661.11 (a)(4) revised; (b)(2) and (3), and (c) table amended.........4276
661.12 (a)(3) and (5) removed; (a)(4), (6), and (7) redesignated as (a)(3), (4), and (5); new (a)(3) and (4) amended.............. 4276
661.20 (a)(4)(i) through (iv), (5)(i) through (iii), (6)(i) through (iii), and (b)(3) revised; (b)(2) table amended; interim eff. 6-1-82 to 7-15-82...24136
(b) (2) and (3) revised.................. 35492
(a)(4)(i) through (iv), (5)(i) through (iii), and (6)(i) through (iii) revised; final; (b)(2) and (3) revised................38547

50 CFR—Continued

47 FR Page

Chapter VI—Continued
661.22 (b)(2) revised.......................35492
661.23 (b)(2) amended.................. 35492
662 Authority citation...................... 630
662.3 Revised.. 630
Final determination.................... 33710
663 Added...43974
FMP experimental fishery permit............................45015, 45016
Temporary regulation..................46287
Authority citation........................ 49621
663.27 (b)(3) revised; interim emergency effective to 12-11-82...49621
(b)(3) revision interim emergency effectiveness extended to 12-31-82.......................................56138
671 Temporary regulations.......... 5008, 6655, 10043, 10228, 10853, 11677, 12134, 16339, 33711, 51400, 57052
Effective time corrected to 8:45 a.m... 54451
Technical correction...................... 7675
Temporary regulation corrected...40180
671.26 (f)(1)(iii) introductory text corrected............................10044
672 Authority citation.................. 4268, 23939, 27864
Temporary regulations...............33972
672.20 Table 1 amended; eff. 12-14-81 to 12-31-81......................... 4268
(a) and Table 1 revised; nomenclature changes.........................23939
Table 1 revised..............................27864
Table 1 corrected...28105, 31695, 40442
672.22 Nomenclature change...... 23940
674 Temporary regulations........ 24724, 33274, 39518
675 Authority citation.................... 1298
Temporary regulation....................7674
675.20 Table 1 revised......................1293

1983

50 CFR

48 FR Page

Chapter VI
PMP amendments........................... 414
FMP amendments......................... 2545
601 Authority citation................. 56589
601.1 Amended.............................. 56591
601.2 (l) removed...........................56591

50 CFR—Continued

48 FR Page

Chapter VI—Continued

601.21 (b)(2)(i) removed; (b)(2)(ii) and (iii) redesignated as (b)(2)(i) and (ii); (b)(2) introductory text revised........ 56589
601.22 (d)(2) and (e)(2) amended; (b)(4)(i) revised; (b)(4)(vi) added........ 56590
601.23 (e)(4) added; (g)(1) removed; (g)(2) redesignated as (g) and revised........ 56590
601.24 (a), (b)(1), (2), (3), and (4)(i), (iii), (iv), and (v), and (c)(1) revised; (b)(4)(vi) and (vii) added; (b)(6) amended........ 56590
602 Authority citation........ 7407
Heading revised........ 7408
602.1—602.6 Designated as Subpart A and heading added........ 7407
602.1 Revised........ 7408
602.2 Revised........ 7408
602.10—602.17 (Subpart B) Added........ 7408
611 Authority citation........ 257, 1505, 3622, 6342, 14556, 15262, 21337, 24720, 27080, 31860, 34762, 34963, 39077, 39230, 43048, 57495
Temporary regulation........ 9655, 10846
Authority citation corrected........ 13048
Inseason adjustment........ 22299, 31044, 43044, 43335, 50080, 53564
Technical correction........ 35107
611.3 (c)(3) and (4) revised........ 257
(d) amended........ 3622
Amended........ 34762
611.4 (b) tables I and II revised........ 22154
Amended........ 34762
611.8 (b) revised........ 258
611.9 Appendix II amended........ 1506
Appendix II correctly designated........ 3763
Amended........ 34762
Introductory text and (d)(1) revised........ 39230
611.18 Added........ 31860
611.20 TALFF table revised........ 3371
(c) amended........ 57495
611.22 Authority citation; (a)(1)(i), (2)(ii), and (b) revised; (a)(3) removed........ 258
Heading and (a)(2) Table I revised........ 27080

50 CFR—Continued

48 FR Page

Chapter VI—Continued

(a)(1)(i) and (b) revised; (a)(1)(ii) third sentence redesignated as (a)(1)(iii); (a)(2)(ii) amended........ 57495
611.50 (b)(2) revised........ 1507
(b)(3) revised; interim; eff. to 6-29-83........ 14556
(d)(2) amended........ 16891
(b)(3) interim revision extended to 9-27-83........ 29703
Amended........ 34762
(b)(3) revision confirmed........ 44839
611.51 Removed; new 611.51 redesignated from 611.53; interim; eff. to 6-29-83........ 14556
Interim removal and redesignation extended to 9-27-83........ 29703
Removal and redesignation confirmed........ 44839
611.52 Removed; interim; eff. to 6-29-83........ 14556
Interim removal extended to 9-27-83........ 29703
Removal confirmed........ 44839
611.53 Redesignated as 611.51; interim; eff. to 6-29-83........ 14556
Interim redesignation extended to 9-27-83........ 29703
Redesignation confirmed........ 44839
611.60 (a) and (d) revised........ 1507
611.61 (b)(2) revised........ 1507
Amended........ 34762
(c) revised; (f) added........ 39077
611.70 (j)(5)(x) and (7)(ii) corrected........ 13048
Amended........ 34762
611.80 Amended........ 34762
611.81 Amended........ 34762
611.82 Added........ 39230
611.90 Amended........ 34762
611.91 Removed........ 15262
611.92 Amended........ 34762
(a)(1) Figure 1, (c)(1)(i), (ii)(A)(*1*), (B), (C)(*3*), (*4*)(*i*), and (*5*)(*iii*) revised; (g) redesignated as (h); new (g) added; eff. 10-16-83........ 43048
611.93 (c)(2)(i) and (3)(i) revised........ 21337
(c)(2)(ii)(C) and (3)(ii) amended........ 21338
(c)(2)(ii)(D) revised; (e) added........ 24720
(c)(2)(ii)(D)(*2*)(*i*) corrected........ 30395
Amended........ 34762
(c)(3)(ii) revised........ 34963

50 CFR—Continued

48 FR Page

Chapter VI—Continued

(e)(2)(iii) introductory text corrected....41424
611.94 Amended....34762
611.95 Removed....415
642 Added....5272
Technical correction....11122
Meeting....14382
Temporary regulations....20415
646 Added....39466
646.6 (k) correctly added....45404
646.22 (b)(2) corrected....45404
649 Added (649.20 (f) eff. to 1-4-84)....36268
650 Inseason adjustment...23434, 57496
Authority citation....31861, 34762
650.3 Existing text designated as (a); (b) added....31861
650.4 Amended....34762
651 Authority citation....31861, 34762
651.3 Revised....31861
651.4 Amended....34762
651.22 Amended....34762
652 Temporary regulation....8283, 13048, 29518, 38243
Authority citation....31861, 34762
Technical correction....33001
1984 quota adjustments....57303
652.3 Redesignated as 652.10; new 652.3 added....31861
652.4 Amended....34762
652.5 Amended....34762
652.10 Redesignated from 652.3....31861
653 Removed....416
654 Authority citation....14905, 34762, 46059, 54822, 56394
654.4 Amended....34762
654.5 Amended....34762
654.23 Existing text designated as (a); (b) added; eff. in part to 5-16-83 and 6-29-83....14905
(b)(1) table corrected....18818
Figure 3 corrected....57496
(b) revised; emergency effective to 1-2-84....46059
Technical correction....52066
(b)(1)(i) revised; emergency eff. to 1-2-84....54822
(b)(1)(i) table corrected....55868
(b) revised; emergency eff. to 4-1-84....56394
55 Temporary regulation....6342

50 CFR—Continued

48 FR Page

Chapter VI—Continued

Revised (regulations consolidated from Parts 655, 656, and 657); authority citation; interim; eff. to 6-29-83....14556
Preliminary specifications....18818
Interim revision and consolidation extended to 9-27-83....29703
Annual specifications....33001
Authority citation....34762, 44839
Inseason adjustment....43044, 50080
Revision and consolidation confirmed....44839
655.2 Amended; eff. to 3-31-86....44839
Corrected....45404
655.3 (c) and (d) added; eff. to 3-31-86....44839
655.4 Amended....34762
(a) revised; eff. to 3-31-86....44839
655.6 (b) revised; eff. to 3-31-86....44839
655.7 (d) through (m) redesignated as (e) through (n); new (d) added; eff. to 3-31-86....44839
655.8 (c)(2) revised; eff. to 3-31-86....44839
655.21 (b)(1)(iii) revised; eff. to 3-31-86....44839
(a)(2) corrected....45403
655.24 (a) revised; eff. to 3-31-86....44839
656 Temporary regulation....9655
Removed (regulations consolidated in revised Part 655); interim; eff. to 6-29-83....14556
Interim removal extended to 9-27-83....29703
Removal confirmed....44839
657 Removed (regulations consolidated in revised Part 655); interim; eff. to 6-29-83....14556
Interim removal extended to 9-27-83....29703
Removal confirmed....44839
658 Temporary regulation extended....5744
Authority citation....14905, 17099, 46059, 54822, 56394
Temporary regulation....23435
Inseason non-adjustment....38489
Figure 4 corrected....57496
658.2 Amended....17099
658.22 Revised....17099
658.23 Existing text designated as (a); (b) added; eff. in part to 5-16-83 and 6-29-83....14907

50 CFR—Continued

48 FR Page

Chapter VI—Continued

Existing text designated as (a); (b) added; emergency effective to 1-2-84.....46060
Technical correction.....52066
(b)(1)(i) and (ii) revised; emergency eff. 1-2-84.....54823
(b)(1)(i) table and (ii) table corrected.....55868
(b) revised; emergency eff. to 4-1-84.....56395
661 Authority citation.....17358
Revised; interim emergency effective to 5-23-83.....21139
Fishing area adjustment.....32025
Temporary regulation.....34281, 40521
Interim emergency revision eff. date extended to 11-19-83.....36823
Inseason adjustment.....38244
Revision confirmed.....45265
661.7 (b)(9) corrected.....44839
661.20 (a)(4)(i) and (5)(i) revised; interim.....17358
661.21 (a)(5) corrected.....7459
661.25 Corrected.....44840
662 Authority citation.....22302, 34964
Temporary regulation.....34476
662.3 (f) added; emergency eff. to 8-15-83.....22302
(f) added; final.....34964
Technical correction.....42820
662.5 (c) heading revised; (c) text removed; emergency eff. to 8-15-83.....22302
(c) revised; final.....34964
Technical correction.....42820
662.6 (b) removed; (c) and (d) redesignated as (b) and (c).....34964
Technical correction.....42820
662.8 (b) revised.....34965
Technical correction.....42820
663 Temporary regulation extended.....810
Temporary regulation...6542, 6715, 8283
Technical correction.....8819, 48241
Temporary regulation and authority citation corrected...11717, 51782
Effective date corrected to 2-28-83.....12720
Authority citation corrected.....13048
Inseason adjustment.....30395, 41164
Authority citation.....34762, 57302
FMP experimental fishery permit.....34763
663.2 Corrected.....13048

50 CFR—Continued

48 FR Page

Chapter VI—Continued

663.3 Heading corrected.....3623
663.4 Amended.....34762
663.5 (a)(5)(i) corrected.....13048
663.7 (m) corrected.....13048
663.10 (b)(5)(iii) and (c)(1)(i) corrected.....13048
Amended.....57302
663.22 (b)(1)(i) corrected.....13048
663.23 (a) corrected.....13048
663.24 (b)(1)(i) corrected.....13048
663.26 (d)(4) and (f)(2) effective date deferred.....26
(a) and (b)(2) corrected.....13048
663.27 (a) and (b)(3) corrected.....13048
671 Authority citation...5277, 15262, 40729
Temporary regulation...10847, 11274, 23435
Technical correction.....12551
671.2 Amended.....40729
671.4 Amended.....34762
671.21 (a) table I revised.....15262
671.22 (b) revised.....40729
671.26 (b)(3)(ii) suspended; (b)(3)(iv) temporarily added; interim emergency; eff. 2-7-83 to 5-8-83.....5278
Heading, (a), (b) heading and (3)(ii), (c), (f)(1)(iv) and (2)(ii), (iii), and (iv); (e)(3) removed; (f)(1)(v)(A), (B), and (C)(2) and (2)(v) redesignated as (f)(1)(vi) and (2)(vi); new (f)(1)(v) and (2)(vi) added.....40729
672 Inseason adjustment.....22299, 31044, 43335, 53564
Authority citation.....34762, 43049, 55471
Technical correction.....35107
Temporary regulation.....37040
672.2 Amended; eff. 10-16-83.....43049
672.4 Amended.....34762
672.5 Amended.....34762
(a)(2) redesignated as (a)(2)(ii) and revised; (a)(2)(i) added; eff. 10-16-83.....43050
672.20 (c)(3) redesignated as (c)(4); (a), (c)(1)(i), (2), new (4)(iii),(iv)(A)(*3*), and (v)(C) revised; new (c)(3) added; eff. 10-16-83.....43050
Table 1 correctly revised.....46542
Table 1 amended; interim emergency effective to 12-31-83.....55471
674 Authority citation.....17359,

50 CFR—Continued

48 FR Page

Chapter VI—Continued
34762, 34965, 57302
Temporary regulation....27080, 31046, 33718, 37224
674.4 Amended.... 34763
674.5 OMB number....57303
674.23 (a)(2) revised....17359
674.24 (a)(4) removed....34965
675 Temporary regulation....10846
Authority citation....21338, 34762
Inseason adjustment.... 22299, 31044, 43335, 53564
Technical correction.... 35107
675.4 Amended.... 34763
675.5 Amended.... 34763
675.20 (a) table I revised.... 21338
680 Removed....415
Added....39231
681 Added....5562
Authority citation....31657, 52923
681.1 (b) revised....52924
681.2 Amended.... 52924
681.4 (a)(2) and (b)(2)(ix) revised....52924
681.5 (a), (b)(1) and (2), and (c) revised; (d) added....52924
681.6 Revised.... 52924
681.7 (c) added....52925
681.8 (a) and (b)(3) revised.... 52925
681.24 (b) revised; interim emergency; eff. to 10-11-83....31657
(b) revision interim emergency effectiveness extended to 1-9-84....46342
681.30—681.35 (Subpart C) Added.... 52925

1984

50 CFR

49 FR Page

Chapter VI
601 Authority citation.... 30203
601.12 (c) revised....30203
602 Authority citation.... 13372
602.3 Removed....13372
602.4 Removed....13372
602.5 Removed....13372
602.6 Removed....13372
611 Authority citation.... 400, 3189, 4213, 14359, 27519, 43677
Authority citation corrected....6497
Inseason adjustment.... 23355, 30313, 33270, 48316
Inseason adjustment corrrected....27322
Specifications....50402

50 CFR—Continued

49 FR Page

Chapter VI—Continued
611.3 (g) revised; interim.... 1043
(c)(3) and (f)(2) and (3) introductory text revised; interim....14359
611.9 Appendix II amended....43678
611.20 TALFF table revised.... 3482
611.22 (a)(2) table 1 revised; authority citation.... 597
Table 1 amended....27156
(c) added; interim....14359
611.50 (b)(2)(i) and (ii) revised....43679
611.51 Revised.... 4213
611.60 (d) revised....43679
611.61 (b)(2) table revised....43679
611.70 (j)(6) through (8) redesignated as (j)(7) through (9); (j)(5)(xiv), and new (6) and (8)(iii) added; new (j)(7) revised....27519
611.93 (a)(2) revised....44757
(a)(3), (b)(1)(i), (2), (3)(ii)(A), and (c)(2)(i) revised; (c)(2)(ii)(D) redesignated as (c)(2)(ii)(E); new (c)(2)(ii)(D) added; (e) amended.... 400
(c)(2)(i) table corrected....2472
(c)(2)(ii)(E) table 2 revised.... 3190
620 Text and authority citation removed; note added; interim.... 1036
Correctly removed....44102
621.51—621.56 (Subpart D) Removed; interim.... 1043
630 Added; interim....24381
Technical correction.... 27521
630.2 Corrected.... 32205
630.4 Introductory text correctly removed.... 32205
630.7 (d)(2) corrected.... 32205
(d) (1), (2), (3), and (4) corrected....40415
638 Added....29608
638.6 (d)(1), (2), (3), and (4) corrected....40415
638.22 (a), (b), and (c) corrected....31427
640 Authority citation.... 9736
Inseason adjustment.... 21059
640.8 Revised.... 9736
641 Added....39553
641.2 Corrected.... 43679
641.8 (d)(2) corrected.... 41063
641.22 Table 1 corrected.... 43679
642 Authority citation.... 9736
642.8 Revised.... 9736

50 CFR—Continued

Chapter VI—Continued	49 FR Page
645 Added	50050
646 Authority citation	9736, 33448
646.7 Revised	9736
646.22 (b)(2) revised	33449
649 Authority citation	9736
649.4 (c)(1), (e), and (j) revised; interim	1043
649.8 Revised	9736
650 Authority citation	9736
Inseason adjustment	21058, 39065
650.4 (c)(1), (e), and (j) revised; interim	1043
650.8 Revised	9736
651 Authority citation	3190, 9736
651.2 Amended	3190
651.4 (c)(1), (e), and (j) revised; interim	1043
651.8 Revised	9736
651.20 (d)(1) revised	3190
652 Temporary regulations	6498, 23184, 23355, 35021
Authority citation	9736, 11842, 27157, 30948, 40581, 49094, 49473
Technical correction	28720
Authority citation corrected	31430
1984 quota adjustments	45164
Temporary regulation	45859, 49639
652.4 (d) and (i) revised; interim	1043
652.5 (b)(7) added; interim emergency eff. to 9-28-84	27157
(b)(7) added; emergency eff. date extended to 12-27-84	37598
652.7 (a)(2) and (3) and (i) revised; (a) (4) and (5) added; interim emergency eff. to 9-28-84	27157
(a)(2) and (3) and (i) revised; (a)(4) and (5) added; emergency eff. date extended to 12-27-84	37598
(a)(2), (3), and (i) revised	49094
652.8 Revised	9736
652.20 Added; interim emergency eff. to 10-31-84	30948
Termination	39558
652.21 (b) revised; interim emergency eff. to 9-28-84	27157
(b) revised; emergency eff. date extended to 12-27-84	37598
(b) revised	49094
652.22 (b), (d), and (e) revised; interim emergency eff. to 9-28-84	27158

50 CFR—Continued

Chapter VI—Continued	49 FR Page
(b), (d), and (e) revised; eff. date extended to 12-27-84	37598
(b), (d), and (e) revised	49094
(a)(2) amended	49473
652.23 (a)(3) removed; (a)(4) redesignated as (a)(3)	11842
652.25 (a) introductory text revised; interim emergency eff. to 9-28-84	27158
(a) introductory text revised; eff. date extended to 12-27-84	37598
Revised; interim emergency eff. to 1-12-85	40581
654 Authority citation	9736, 30715, 39163
654.2 Amended	30715
654.7 Revised	9736
654.23 Existing text designated as (a); (b) added	30715
(b)(1) revised	39163
654.24 Redesignated as 654.25; new 654.24 added	30716
654.25 Redesignated from 654.24	30716
655 Authority citation	406, 9736
Inseason adjustment	6909
Annual specifications	13373, 17512, 47269
655.2 Amended; eff. to 3-31-86	406, 407
655.4 (e), (g), and (j) revised; interim	1043
(c), (e), and (j) correctly designated	41063
655.8 Revised	9736
655.21 (a)(2), (b) introductory text, (1), (2) introductory text, (i) and (ii) introductory texts, (A)(*1*), (B)(*1*), (C)(*3*), and (c) revised; eff. to 3-31-86	406
(b)(2) introductory text amended; (b)(2) (ii) (A) introductory text, (*1*), and (*2*), (B), (C) introductory text and (2) revised; eff. 3-31-86	9571
655.22 (a) and (b) revised; (f) added; eff. to 3-31-86	407
655.23 Introductory text revised; (a)(1) and (b)(1) removed; (a)(2) and (b)(2) redesignated as (a)(1) and (b)(1); eff. to 3-31-86	407

50 CFR—Continued

49 FR Page

Chapter VI—Continued

658 Authority citation...9736, 18495, 30715

Authority citation revised..........39163

Temporary regulation.....20710, 28059

658.2 Amended.................. 18495, 30717

658.5 Revised.................................18496

658.7 (b) through (l) redesignated as (c) through (m); new (b) added...18496

658.8 Revised...................................9736

658.23 Existing text designated as (a); (b) added; final.............30717

(b)(1) revised.................................39163

658.24 Redesignated as 658.25; new 658.24 added......................30718

658.25 Redesignated as 658.26; new 658.25 redesignated from 658.24..30718

658.26 Redesignated as 658.27; new 658.26 redesignated from 658.25..30718

658.27 Redesignated from 658.26..30718

661 Authority citation.................. 9736, 18855, 31431, 37784

Temporary regulation................20020, 23185, 32205, 32362, 32596, 37784

Revised...43682

Technical correction...................46148

661.1—661.9 (Subpart A) Suspended 5-1-84 to 7-29-84.........18855

Suspension effectiveness extended to 10-28-84....................30948

661.3 (b) and (d) corrected...........46148

661.6 (d)(1) footnote 2 correctly added..46148

661.8 Revised...................................9736

661.20—661.25 (Subpart B) Suspended 5-1-84 to 7-29-84.........18855

Suspension effectiveness extended to 10-28-84....................30948

661.31—661.39 (Subpart C) Added; eff. 5-1-84 to 7-29-84..18855

Addition effectiveness extended to 10-28-84....................30948

661.33 (a)(3) corrected..................22097

661.38 (d)(1), (2), and (3) corrected..22097

661.40—661.45 (Subpart D) Added; eff. 5-1-84 to 7-29-84..18858

Addition effectiveness extended to 10-28-84....................30948

50 CFR—Continued

49 FR Page

Chapter VI—Continued

661.41 (a) table 2 note correctly removed......................................22097

(a) table 2 revised; emergency eff. to 9-3-84..............................31431

661 Appendix corrected...............46148

662 Revised.......................................9572

Authority citation..........................9736

Final determination....................31291

662.7 Revised...................................9736

663 Temporary regulation..............597, 19825, 30948, 33449, 35955, 44638, 47005

Preliminary specifications........... 1060

Preliminary specifications corrected...3190

Clarification....................................5932

Authority citation...9736, 11640, 27519

Technical correction...................31431

663.2 Amended..............................27519

663.6 Revised..................................27520

663.8 Revised...................................9736

663.21 (a)(1) revised.......................27520

663.22 (c) added...............................27520

663.24 (a) revised............................27520

663.26 (b)(2) and (7) revised........ 11640

(b)(6), (d)(4), and (f)(2) revised..27520

663.27 (b) (2) and (3) revised....... 27520

(b) (2) and (3) incorrect text removed..44901

671 Authority citation...1377, 9736, 46651

Temporary regulation..................9902, 10550, 10551, 11641, 13373, 30203, 36861

671.1 (a) designation and (b) removed..44757

671.2 Amended; eff. 10-7-84........35780

671.6 Revised...................................9736

671.21 (a) Table 1 revised; eff. 10-7-84...35780

(a) and (c) suspended; (d) and (e) added; interim emergency eff. to 2-25-85...........................46551

671.26 (c)(2)(i) revised; interim emergency effective to 2-9-84..1378

(a) revised; eff. 10-7-84............... 35780

(a), (c)(2), (d)(2), (e)(2), and (f)(2) suspended; interim emergency eff. to 2-25-85........46551

672 Authority citation.................. 1061, 8618, 8932, 9736, 10934, 24143, 28854, 48050

50 CFR—Continued

49 FR Page

Chapter VI—Continued
  Inseason adjustment....23355, 30313, 33270, 48316
  Inseason adjustment corrected....27322
  Temporary regulation....27521, 35095, 35505, 35955
672.2 Amended....8618
  Effective date correctly added...10931
  Amended; interim emergency; eff. to 3-11-85....48050
672.4 (c)(1), (e), and (i) revised; interim....1044
672.8 Revised....9736
672.20 (a) table 1 revised....1063
  (a) table 1 corrected....3191
  (e)(1) suspended; (e)(3) added; interim emergency eff. to 6-6-84....8618
  (e)(1) suspended; (e)(3) added; interim emergency eff. to 3-11-85....48050
  Expiration date corrected to 5-31-84....10931
  Table 1 amended; interim emergency eff. to 6-21-84....10934
  Table 1 amendment interim emergency eff. date extended to 9-18-84....24143
  Table 1 amended....28854
  (e)(1) suspended; (e)(3) added; interim emergency eff. to 3-11-85....48050
672.23 Added; interim emergency eff. to 6-4-84....8932
  (b)(2) removed; (b)(3) redesignated as (b)(2); (b) introductory text revised; interim emergency eff. to 9-1-84....24143
674 Authority citation....9736, 29612
  Temporary regulation....20710, 27522, 30951, 32853
674.4 (b)(3)(i) revised; (b)(6) added; interim....1044
674.5 Added; OMB number; interim; eff. to 1-23-85....29612
674.8 Revised....9736
675 Authority citation....400, 1066, 9736
  Inseason adjustment....23355, 30313, 33270, 48316
  Inseason adjustment corrected....27322
  Specifications....50402
675.4 (c)(1), (e), and (i) revised; interim....1044
675.8 Revised....9736

50 CFR—Continued

49 FR Page

Chapter VI—Continued
675.20 (a), table 1 and (b) revised; (d) added....400
  (a) table 1 revised....1066
  (d) table corrected....2472
676 Added....45002
676.4 (e) and (i) amended....47006
676.7 Amended....47006
680 Authority citation....9736
680.4 (l) revised; interim....1044
680.8 Revised....9736
681 Authority citation....408, 9736, 29612
681.4 (l) revised; interim....1044
  OMB number....29612
681.5 OMB number....29612
681.8 Revised....9736
681.24 (b) revised....408

1985

50 CFR

50 FR Page

Chapter VI
604 Added (OMB numbers)....40977
604.1 (b) amended (OMB numbers)....47225
611 Authority citation....467, 3913
  Specifications....467, 468
  Specifications corrected....1862
  Specifications postponed....6953
  Authority citation....8133, 8336
  Temporary regulation....14107
  Specifications....15425, 23712
  Inseason adjustment....7346, 19946, 26213, 29681, 32070, 40977, 43716, 49852
  Authority citation revised; section authority citations removed....35023
  Inseason adjustment....35825
  Temporary regulation....36997, 43717
  Inseason adjustment corrected....42027
611.1—611.16 (Subpart A) Revised; eff. 10-28-85 and 1-1-86....34979
  Appendix B corrected....43571
611.2 (ff) and (gg) redesignated as (gg) and (hh); new (ff) added....8133
611.4 (c)(7), (f)(4)(i), and (g) corrected....43571
611.8 Revised....8133
611.9 (e)(5)(iii) corrected....43571

CFR—Continued

50 FR Page

ter VI—Continued
0—611.22 (Subpart B) Re-
ised; eff. 10-28-85....................35022
1 (b) removed..........................8135
2 (a)(2) Table 1 revised............467
redesignated as (d); new (c)
dded...8135
1)(i) revised...............................8336
0 (b)(2)(i) and (e)(1) re-
ised; (b)(2)(ii) Figure 1
dded; (b)(4)(ii) and (5)(i) and
'able I footnotes amended;
ff. 10-28-85 and 1-1-86...........35025
(5)(ii) and (6), (d)(1), and (e)
ntroductory text and (2)(ii)
mended; eff. 10-28-85............ 35026
0 (a)(3) added; eff. 9-18-85
12-31-87.................................33956
(4) added; (c)(2) amended;
ff. 10-28-85...............................35025
1) amended; eff. 10-28-85..... 35026
(4) correctly designated......... 39696
1 (b)(3) heading added; eff.
-18-85 to 12-31-87..................33956
(1), (c) introductory text,
nd (e)(2) amended; eff. 10-
8-85...35025
(1) introductory text and
i)(C) and (f)(1) amended; eff.
0-28-85.....................................35026
0 (j)(8)(iii) correctly redes-
gnated as (j)(9)(iii).................. 26213
1), (2), and (3) removed;
j)(8) revised; (j)(9) introduc-
ory text and (i) amended;
ff. 10-28-85...............................35025
amended; eff. 10-28-85..........35026
0 (f)(1)(i) and (ii) revised;
ff. 10-28-85...............................35025
and (f) amended; eff. 10-28-
5..35026
1 (c)(4), (d)(2) and (3)(ii),
nd (e) introductory text,
1)(iii), and (2) amended;
e)(3) revised; eff. 10-28-85..... 35025
(5)(ii) and (iv) and (c)(2)
mended; eff. 10-28-85............ 35026
2 (i) amended; eff. 10-28-
5..35025
, (e), and (i) amended; eff.
0-28-85.....................................35026
0 (e)(2) revised; (f)(1) re-
noved; (f)(2) and (3) redesig-
ated as (f)(1) and (2); new
f)(1) revised; (b) and new
f)(2) amended; eff. 10-28-
5.......................................35025, 35026

50 CFR—Continued

50 FR Page

Chapter VI—Continued

611.92 (b)(2), (c)(2)(i)(A) and (D), (ii)(B) and (C), (e)(3)(ii), and (f)(2)(i) suspended; (b)(5), (c)(2)(i)(F), (G), and (H), (ii)(D), (E), and (F), and (i) added; emergency interim eff. to 4-24-85..............................3913

Emergency interim suspensions and additions effectiveness extended to 5-1-85....................16705

(b)(2), (c)(2)(i)(A), (D), and (E), (ii)(A), (B), and (C), (e)(3)(ii) and (f)(2)(i) suspended; (b)(5), (c)(2)(i)(F), (G), (H), and (I), (ii)(D) through (H), and (I) added; interim emergency eff. to 10-15-85..............29686

(b)(1) and Table 1 footnote 1, (c)(1)(i) and (2)(i)(A), (B) and (D), (ii) and (iii), and (h) amended; eff. 10-28-85............ 35026

(b)(2), (c)(2)(i) (A), (D), and (E), (ii) (A), (B), and (C), (e)(3)(ii) and (f)(2)(i) suspension and (b)(5), (c)(2)(i) (F) through (I), (ii) (D) through (H), and (i) addition interim emergency effectiveness extended........42027

611.93 (a)(1), (b)(3)(ii), (iii), and (iv) and Table 1 footnote 1, (c)(2)(ii)(E)(*1*)(*i*), (d)(1), (2)(i), (ii)(A) and (C) amended; eff. 10-28-85....................... 35026

621.1 (d) and (e) removed; interim... 12785

621.2 (d) removed; interim...........12785

(a)(1) revised.............................36435

621.61—621.66 (Subpart E) Removed; interim......................... 12785

630 Revised; eff. in part 9-18-85 to 12-31-87...............................33956

630.2 Corrected........................... 35563

638.7 Revised.............................. 39696

630.8 Correctly removed............. 41159

640.9 Revised.............................. 39696

641 Authority citation................ 11166

641.24 (b)(5) revised......................11166

642.2 Amended............................ 34843

642.4 Revised.............................. 34844

642.5 Added..................................34844

642.6 Added..................................34845

50 CFR—Continued

50 FR Page

Chapter VI—Continued

642.7 Introductory text and (a) through (m) redesignated as (a) introductory text and (1) through (13); new (a) introductory text, (6), and (13) revised; (a)(14) through (26) and (b) added....34845
642.9 Revised....39696
642.20 Revised....34845
642.21 Revised....34845
642.22 Revised....34846
642.23 (a)(1) and (b) revised; (c) added....34846
642.24 (b)(1)(i) revised; (c) added....34846
642.26 (a) heading and text, (b), (c) heading, (1), (2), (3) introductory text and (ii)(A) and (B), (4), and (5) amended....38538
642.27 Added....34846
642.28 Added....34847
642.29 Added....34847
645.8 (d)(2) corrected....1229
646.2 Amended; eff. 10-25-85....38819
646.5 Added; eff. 10-25-85....38819
646.6 Introductory text and (a) through (q) redesignated as (a) introductory text and (1) through (17); new (a) introductory text and (17) revised (a)(18) and (b) added; eff. 10-25-85....38819
646.8 Revised....39696
646.22 (b)(1) revised; (b)(5) added; eff. 10-25-85....38820
  (b)(5) corrected....41692
649.9 Revised....39696
650 Temporary regulation....38820
  Temporary regulation corrected....42028
650.1 Amended....46071
650.2 Amended....46071
650.7 (a) revised....46071
650.9 Revised....39696
650.20 Revised....46071
650.21 Revised....46071
650.22 Revised....46072
651 Authority citation....8735
  FMP amendment....40558
651.9 Revised....39696
651.20 (a)(17) and (18) revised....8735
651.21 (a)(2)(i) through (iv) revised; (a)(2)(v) and (vi) removed....8736
652 1985 annual quotas....4518
  Authority citation....11169

50 CFR—Continued

50 FR Page

Chapter VI—Continued

  Temporary regulation....20215, 30853
  Inseason adjustments....46072, 46671
  Inseason adjustment extension of time....49852
  Specifications....49931
  Inseason adjustment corrected....51533
  Temporary regulation....51870
652.2 Amended; interim emergency eff. to 8-21-85....23015
  Amended....32710
  Interim emergency effectiveness extended to 11-18-85....34154
652.5 (a)(1)(v) and (vi) and (b)(1) (xi) and (xii) revised; (a)(1)(vii) and (b)(1)(xiii) added....11169
  (b)(7) added; interim emergency eff. to 8-21-85....23015
  (b)(7) and (c) added (OMB number pending)....32710
  Interim emergency effectiveness extended to 11-18-85....34154
652.7 (h)(3) added; (j) redesignated as (l) new (j) and (k) added....11169
  (a)(4), (m), and (n) added; (i) suspended; interim emergency eff. to 8-21-85....23016
  (a)(3) and (i) revised; (l) redesignated as (m); (a)(4) and new (l) added (OMB number pending)....32710
  Interim emergency effectiveness extended to 11-18-85....34154
652.9 Revised....39696
652.11 Added....11169
652.21 (b) suspended; (d) and (e) added; interim emergency eff. to 8-21-85....23016
  (a)(3) amended; (b) revised; (c) redesignated as (d); new (c) added....32710
  Interim emergency effectiveness extended to 11-18-85....34154
652.22 (a)(2) amended; (f) redesignated as (f)(1); (f)(2) added....11169
  (b) suspended; (g) and (h) added; interim emergency eff. to 8-21-85....23016
  (b) heading, (1), and (2) heading revised....32711
  Interim emergency effectiveness extended to 11-18-85....34154

CFR—Continued

50 FR Page

apter VI—Continued

)(2) amended.............................. 51533

.25 Revision emergency effectiveness extended to 4-12-85...2292

evised.. 11169

ize limit adjustment.................. 14930

) added; interim emergency eff. to 8-21-85.............................23017

) amended.................................. 32711

nterim emergency effectiveness extended to 11-18-85....... 34154

.8 Revised.................................. 39696

orrectly designated from 654.9...41159

orrectly designated................... 45114

.9 Correctly designated as 654.8...41159

.23 (a) amended......................... 25713

Specifications.................... 947, 2050

pecifications postponed..............6953

nseason adjustments................... 7346

pecifications; interim.... 10499, 12032

pecifications corrected............ 12545

pecifications....... 20103, 20215, 23311

.9 Revised.................................. 39696

Temporary regulation...........20912

nseason adjustment....................28103

.9 Revised.................................. 39696

.22 (b) removed; (d) designation removed............................ 37199

.23 (a) introductory text amended.......................................25714

.25 Nomenclature change......37199

Authority citation............813, 4978

Ianagement measures............... 18672

emporary regulation................20570, 21449, 30195, 30954, 34705, 36092, 37535

Ianagement measures amended..31846

nseason adjustment..................31847, 33344, 35826

.3 Amended.................................. 813

.9 Correctly removed.............41159

.20 (a) introductory text and (2)(i) amended; emergency eff. to 10-31-85..........................31849

.21 (a)(1), (2), and (3) amended; (b)(7) added............................ 813

)(2) revised......................................4978

)(8) added; emergency eff. to 10-31-85..31849

.22 Redesignated as 661.23 and heading and (a) revised; new 661.22 added.......................... 813

50 CFR—Continued

50 FR Page

Chapter VI—Continued

661.23 Redesignated from 661.22 and heading and (a) revised...813

661 Appendix amended....................813

Appendix corrected........... 4978, 42530

Appendix amended; emergency eff. to 10-31-85...........................31849

662 Final determination.............. 32070

662.8 Revised................................ 39696

663 Specifications............................. 471

Restrictions.................................. 2051, 18668, 30195, 41159, 49048, 53325

Restriction modification............ 24777

Inseason adjustment...................32070

Restrictions corrected.................45828

Temporary regulation.................50309

663.9 Revised................................ 39696

663.26 (b)(7) revised.......................26213

669 Added (669.24 (a)(1) eff. 9-22-86)..34851

671 Temporary regulation............2573, 5764, 6954, 7346, 10233, 13040, 19948, 49853, 51533

Temporary regulation corrected...4226

Season extension............. 31604, 41902

671.7 Revised................................ 39696

Correctly designated from 671.9..41159

Correctly designated...................45114

671.9 Correctly designated as 671.7..41159

671.21 Heading and (a) revised... 47550

671.26 Heading revised; (c)(2), (d)(2), (e)(2), and (f)(2) removed; (c)(3), (d)(3), (e)(1) introductory text and (i) through (vi), and (f)(3) redesignated as (c)(2), (d)(2), (e) introductory text and (1) through (6), and (f)(2)............. 47550

(e)(1) (i) through (vi) correctly designated.......................49853, 50793

672 Specifications............................ 467

Authority citation............10235, 12811

Temporary regulation................11368, 15426, 20795, 21852, 26775, 28581

Inseason adjustment.................. 19946, 26213, 29681, 35825, 43716

Inseason adjustment corrected...42027

672.2 Amended.............................. 43200

672.4 (b), (d), and (e) revised....... 43200

50 CFR—Continued

50 FR Page

Chapter VI—Continued

672.5 (a)(3) added..........................43200
(a)(1) introductory text, (i) (A), and (B) and (a)(2) (i) and (ii) amended..................................43203
(a)(3)(i) corrected........................ 48601
672.9 Revised................................ 39696
672.20 (e)(1) suspension and (e)(3) addition interim emergency effectiveness extended to 5-31-85.................................10235
(b) revised; interim emergency eff. to 10-8-85............................ 28581
(a) Table 1 revised; (a)(4) added; interim emergency eff. to 10-15-85...............................29687
(a) Table 1 corrected.................... 32071
(b) revision interim emergency effectiveness extended............ 41903
(a) Table I revision and (a)(4) addition interim emergency effectiveness extended............ 42027
(a) Table 1 and (e) revised.......... 43201
(a) (1) and (2), (c)(4)(iv)(A)(*3*), (d)(4), and (e) (1) and (2) amended....................................43203
672.21 Added; interim emergency eff. to 10-15-85.................... 29688
Addition interim emergency effectiveness extended................42027
672.22 (a)(2), (b) (5) and (6), and (c) amended............................. 43203
672.23 Added................................43202
672.24 Existing text designated as (a); (b) added; interim emergency eff. to 6-25-85........12811
Existing text designated as (a); (b) added.......................................43202
672.25 Heading added...................43203
674 Authority citation revised.... 25248
Temporary regulation...30427, 33346, 35089
674.9 Revised............................... 39696
674.21 (a) and (c) revised............ 25248
(a)(2) (ii) and (iii) corrected....... 28103
675 Specifications......................... 11369
Authority citation....................... 11373
Inseason adjustment..................19946, 26213, 35825, 40977, 43716, 49852
Temporary regulation.....36997, 43717
675.2 Amended............................. 46075
675.4 (b), (d), and (e) revised....... 46075
(b), (c)(2), (d), (e), (f), (g), and (h) amended............................. 46076
675.5 (a)(3) added..........................46075

50 CFR—Continued

50 FR Page

Chapter VI—Continued

(a)(1), (2) (i) and (ii), and (b) amended....................................46076
(a)(3)(i) corrected........................ 48601
675.7 (a) amended......................... 46076
675.9 Revised................................ 39696
675.20 (a) Table 1 revised............11373
(a)(6) heading and text, (b)(1) (i) and (ii), (2) (i) and (ii), and (c) (2), (3), and (4), and (d) amended....................................46076
680.9 Revised................................ 39696
681 Authority citation................. 18265
681.2 Amended; interim emergency eff. to 7-24-85.................18265
Interim emergency effectiveness extended to 10-22-85....... 30198
681.4 (m) added; interim emergency eff. to 12-30-85...............40561
681.7 (b)(2) and (3) amended; interim emergency.......................18266
(b)(2) and (3) interim emergency correctly eff. to 7-24-85...... 20104
(b)(7) added; interim emergency eff. to 12-30-85..................... 40561
681.9 Revised................................ 39696
681.21 (a) and (b) suspended; (c) added; interim emergency eff. to 7-24-85.................................. 18266
Interim emergency effectiveness extended to 10-22-85....... 30198

1986

50 CFR

51 FR Page

Chapter VI

604.1 (b) table amended (OMB numbers)..................................10550, 16530, 28575, 37185, 46679
611 Specifications....... 956, 3788, 25704
Inseason adjustments................. 4603, 5198, 7446, 9658, 9966, 16058, 27412, 33613
Specifications corrected......5713, 6914
Specifications and inseason adjustments..................................18333
Temporary regulations... 23079, 37407
Inseason adjustments................. 41797
611.22 (a), (b)(1), and (c) revised..207
(c), (d), and (e) redesignated as (d), (e) and (f); (c) added..........32091
611.61 (b)(4) added........................20300
611.70 (b), (i), and (j) revised; (k) removed..17032

0 CFR—Continued

51 FR Page

Chapter VI—Continued

1.92 (b)(2), (c)(2)(i) (A) and (D), (ii) (A), (B), and (C), (e)(3)(ii), and (f)(2)(i) suspended; (b)(5), (c)(2)(i) (F), (G), and (H), (ii) (D), (E), and (F), and (i) added; interim emergency eff. to 8-20-86........19206
Technical correction.................... 21772
(b)(2), (c)(2)(i) (A) and (D), (ii)(A), (B), and (C), (e)(3)(ii), and (f)(2)(i) suspensions, (b)(5), (c)(2)(i) (F), (G), and (H), (ii) (D), (E), and (F), and (i) additions interim emergency effectiveness extended to 11-18-86..30218
11.93 (b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F) and (G), and Figure 1 added; interim emergency eff. to 9-2-86..20655
(c)(2)(ii)(G) corrected................. 23079
(b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F) and (G), and Figure 1 addition interim emergency effectiveness extended to 12-2-86..32334
(b)(3)(ii)(A) suspended; (b)(3)(ii)(D) added; interim emergency eff. to 1-20-87........37411
Technical correction.................... 40810
19 Revised.. 11925
30.5 Amended.................................. 16530
Existing text designated as (a); (b) and (c) added (effective date pending)............................ 20300
Eff. 8-5-86 to 10-31-87................ 28575
30.21 (c) added...............................20300
40 Fishery Management Plan notice...5713
41.22 Table 1 corrected...28094, 29471
41.23 (b)(2) revised; eff. to 5-8-87..19209
41.25 Revised................................ 19209
42 Temporary regulation..............9012
Technical correction.................... 11041
42.1 (b) revised..............................26011
42.2 Amended.................... 9660, 26011
42.4 (a), (b) introductory text and (7), (d), (f), and (g) revised; (b)(8) added...................... 9661
(a)(1) and (2) and (b)(6) revised...26011
42.6 (a) introductory text revised...9661

50 CFR—Continued

51 FR Page

Chapter VI—Continued

642.7 (a)(27) added; emergency eff. to 6-4-86...............................8326
(a) (2), (19), (20), (21), (22), and (25) revised; (a) (17) and (27) amended; (a) (28) through (31) added.................................... 9661
(a)(6) amended............................ 12857
(a)(27) republished; interim emergency effectiveness extended...16531
(a)(18) revised; (a)(27) added; (a)(28) removed; (a)(29) through (31) redesignated as (a)(28) through (30)................. 26011
642.21 (a) suspended in part; (f), (g), and (h) added; emergency eff. to 6-4-86................................8326
Heading revised; (a) amended; (b), (c), (d), and (e) redesignated as (c), (d), (e), and (i); new (b) added............................. 9661
(a) suspension corrected; (b) correctly suspended; emergency eff. to 6-4-86...................10212
(a) amended; (c) removed; (f), (g), and (h) republished; interim emergency effectiveness extended............................16531
(a), (b), and (c) revised; (i) redesignated as (f).........................26011
642.22 Existing text designated as (a) and amended; (b) added.. 9662
(b) revised.......................................26012
642.24 (c) amended......................... 9662
(b) removed; (c) redesignated as (b)...12857
(b) revised.......................................19210
642.28 Revised................................ 9662
(c) revised....................................... 26012
642 Tables 1 and 2 and Figures 1 through 3 designated as Appendix A and Table 2 amended..9662
Figure 3 revised............................ 11311
Appendix A amended.................. 26012
649.1 Amended............................... 19212
649.7 (a) introductory text and (6) and (b)(2) revised................ 19212
649.21 Revised............................... 19212
(b)(2) Figure 1 correctly added... 22940
649.22 Added..................................19212
650.1 Effective date deferred......... 208, 11927, 16520

50 CFR—Continued

51 FR Page

Chapter VI—Continued

Effective date (51 FR 11927) corrected.................................23551

650.2 Effective date deferred......... 208, 11927, 16520

Effective date (51 FR 11927) corrected.................................23551

650.7 Effective date deferred......... 208, 11927, 16520

Effective date (51 FR 11927) corrected.................................23551

650.20 Effective date deferred....... 208, 11927, 16520

Corrected.................................... 11041

Effective date (51 FR 11927) corrected.................................23551

650.21 Effective date deferred....... 208, 11927, 16520

(b)(1) corrected.......................... 11041

Effective date (51 FR 11927) corrected.................................23551

650.22 Effective date deferred....... 208, 11927, 16520

Effective date (51 FR 11927) corrected.................................23551

650.23 Added; interim emergency..24842

Effective date deferred.............. 34644

651 Revised; interim eff. to 9-30-87.......................................29645

651.4 OMB number pending....... 29642

OMB number; interim effectiveness confirmed to 9-30-87...37185

651.21 OMB number pending..... 29642

OMB number; interim effectiveness confirmed to 9-30-87...37185

651.22 Interim effectiveness confirmed to 9-30-87................37185

651.23 (a)(1) corrected..................34644

652 1986 quarterly quotas................757

Inseason adjustments.................. 8326

1986 annual and quarterly quotas...10392

Temporary regulations.............. 23231, 40173, 44297

652.7 (a) (3) and (4) revised; (a)(5) and (n) added.................17347

652.21 (b) and (c) revised............ 17347

652.22 (a)(2) and (b)(2) revised... 17347

653 Added; interim emergency eff. to 9-23-86 (effective date pending in part)........................ 23553

Temporary regulations.............. 26554

Temporary regulations corrected..27413

50 CFR—Continued

51 FR Page

Chapter VI—Continued

Addition interim emergency effectiveness extended to 12-22-86...34219

Revised...46679

653.2 Amended; interim emergency eff. to 12-22-86..............34220

653.3 (d) removed; interim emergency eff. to 12-22-86...............34220

653.4 Text removed; interim emergency eff. to 12-22-86......34220

653.5 Text removed; interim emergency eff. to 12-22-86......34220

653.7 (a)(1), (2), (3), and (6); removed; (a)(4) and (5) and (7) through (14) redesignated as (a)(3) through (12); new (a)(1) and (2) added; interim emergency eff. to 12-22-86......34220

653.21 Text removed; interim emergency eff. to 12-22-86......34220

653.22 Revised; interim emergency eff. to 12-22-86...............34220

654 Fishery Management Plan notice..5714

654.5 Removed..............................30664

654.6 Heading and (a) introductory text and (6) revised; (a) (1) through (7) amended; (a) (8) through (24) added............30664

654.20 (b) revised; (e) added........ 30664

654.22 Revised............................. 30664

655 Specifications............................ 959, 10552, 11742, 17189, 28241, 29555, 31774, 31775, 34644, 39377, 39755

Inseason adjustments.................. 9966

Purchase ratios........................... 42237

655.2 Amendment efective date deferred.......................................11451

655.4 (a), (b)(1), (c), and (d) revised; (b)(2)(xi) redesignated as (b)(2)(xii); new (b)(2)(xi) added... 10550

655.7 Introductory text and (a) through (m) redesignated as (a) introductory text and (a) (2) through (14); new (a) introductory text revised; (n) removed; (a) (1) and (15) and new (b) added........................... 10550

655.20 Revised.............................. 10550

655.21 (a)(2), (b)(1)(iv) (A) and (B), (2), and (3) revised............ 10551

50 CFR—Continued

51 FR Page

Chapter VI—Continued

(a)(2), (b) introductory text, (1), (2) introductory text, (i) and (ii) introductory texts, (A)(*1*), (B)(*1*), (C)(*3*), and (c) revisions effective date deferred....11451

655.22 (a) and (c) revised; (b) and (d) amended....10552

(a) and (b) revisions and (f) addition effective date deferred....11451

655.23 Removed; new 655.23 redesignated from 655.24....10552

Introductory text revision, (a)(1) and (b)(1) removals, and (a)(2) and (b)(2) redesignations as (a)(1) and (b)(1) effective date deferred....11451

655.24 Redesignated as 655.23....10552

658.1 (d) added; interim emergency eff. to 7-9-86....17489

(d) removed; eff. 7-2-86....24675

658.2 Amended; interim emergency eff. to 7-9-86....17489

Amendment removed; eff. 7-2-86....24675

658.5 (c) added; interim emergency eff. to 7-9-86....17489

Effective date confirmed; OMB number....19553

Correctly designated....22525

(c) removed; eff. 7-2-86....24675

658.7 (n) added; interim emergency eff. to 7-9-86....17489

(n) removed; eff. 7-2-86....24675

658.25 (a) suspended; (c) added; interim emergency eff. to 7-9-86....17489

(a) suspension terminated; (c) removed; eff. 7-2-86....24675

661 Final fishery management measures....16520

Temporary regulations....18795, 21175, 24842, 26899, 28954, 29471, 29654, 29932, 30066, 30364, 30867, 32091

Season reopened...19350, 19844, 26159

Final fishery management measures corrected....19350

Revised fishery management measures....24352

Inseason adjustments....24353, 26388, 26389, 26900, 27859, 28717, 29234, 30867

50 CFR—Continued

51 FR Page

Chapter VI—Continued

661.21 (b) (1) through (7) suspended; new (b) (8) through (12) added; emergency eff. to 8-13-86....18453

Emergency effectiveness extended to 11-11-86....28717

661 Appendix amended; emergency eff. to 8-13-86....18453

Appendix amendment emergency effectiveness extended to 11-11-86....28717

662 Final quotas....32334

663 Specifications....1255

Inseason adjustments....8683, 12622

Restrictions...30365, 31776, 34645, 37912

Temporary regulations...37913, 43357

663.27 (b)(3) suspended; (b)(4) added; interim emergency eff. to 11-19-86....29935

(b)(3) suspension and (b)(4) addition interim emergency effectiveness extended....41969

671 Inseason adjustments...757, 28242

Temporary regulations....3468, 3602, 4170, 4603, 4753, 4754, 6543, 10633, 11041, 15346, 19845

Suspended; interim emergency eff. to 1-29-87....40029

671.21 (a) Table 1 suspended in part; interim emergency eff. to 4-14-86....2894

Suspension effectiveness corrected....4369

(a) Table 1 suspended in part; interim emergency eff. to 6-16-86; (a) Table 1 amended; (b) suspended; (d) added; interim emergency eff. to 7-14-86....12859

672 Specifications....956

Inseason adjustments....4603, 5198, 7446, 9658, 16058, 41797

Temporary regulations....15347, 16059, 17632, 19351, 21176, 24353, 33614, 36404

Temporary regulations corrected....28385

672.2 Amended; interim emergency eff. to 6-6-86....8503

Interim emergency effectiveness extended....20832

672.20 (a) Table 1 revised; interim....958

50 CFR—Continued

51 FR Page

Chapter VI—Continued
(a) Table 1 amended; (a)(4) added; interim emergency eff. to 8-20-86....19207
(b) suspended; (f) added; interim emergency eff. to 9-2-86....20662
Technical correction....21772
(a) Table 1 amendment and (a)(4) addition interim emergency effectiveness extended to 11-18-86....30218
(b) suspension and (f) addition interim emergency effectiveness extended to 11-30-86....30663
672.21 Added; interim emergency eff. to 8-20-86....19208
Technical correction....21772
Addition interim emergency effectiveness extended to 11-18-86....30218
672.24 (c) added; interim emergency eff. 6-6-86....8504
(b) (1) and (2) suspended; (b) (3), (4), and (5) added; interim emergency eff. to 9-2-86....20662
Interim emergency effectiveness extended....20832
(b)(4) corrected....22287
(b) (1) and (2) suspension and (b) (3), (4), and (5) additions interim emergency effectiveness extended to 11-30-86....30663
674 Temporary regulations....25528, 26159, 27860, 29107, 30365, 32214, 32478
674.21 (a)(2) revised....28244
675 Specifications....956
Inseason adjustments....16058, 25529, 27412, 33613, 41797
Specifications and inseason adjustments....18333
Temporary regulations....23079
675.2 Amended; interim emergency eff. to 1-20-87....37412
Technical correction....40810
675.7 (g) redesignated as (h); new (g) added; interim emergency eff. to 9-2-86....20657
(g) redesignation as (h) and new (g) addition interim emergency effectiveness extended to 12-2-86....32334
675.20 (a) Table 1 revised; interim....959
(c)(1) suspended; (e) added; interim emergency eff. to 9-2-86....20657

50 CFR—Continued

51 FR Page

Chapter VI—Continued
Effectiveness corrected....22525, 23079
(c)(1) suspension and (e) addition interim emergency effectiveness extended to 12-2-86....32334
(a)(7) revised; (a)(8) through (10) added; interim emergency eff. to 1-20-87....37412
Technical correction....40810
675.21 Added; interim emergency eff. to 9-2-86....20657
Addition interim emergency effectiveness extended to 12-2-86....32334
675.22 Added; interim emergency eff. to 9-2-86....20659
Addition interim emergency effectiveness extended to 12-2-86....32334
681.2 Amended....8508
681.7 (b)(2) and (3) amended....8508
(b)(1) suspended; (b)(7) added; interim emergency eff. to 12-26-86....34993
(b)(1) suspended; (b)(7) added; interim emergency eff. to 3-26-87....46863
681.21 Revised....8508
681.23 (a) and (b) suspended; (c) and (d) added; interim emergency eff. to 12-26-86....34993
(a) and (b) suspended; (c) and (d) added; interim emergency eff. to 3-26-87....46863
683 Added....27414
683.7 (d)(2) corrected....30367
683.9 (d)(1) introductory text and (3)(i) corrected....30367
(e) through (i) correctly designated....32215
683.21 (b)(2)(vii) corrected....30367

1987

50 CFR

52 FR Page

Chapter VI
603 Suspended; interim eff. to 12-31-87....26686
604 Removed....36780
604.1 (b) table amended (OMB numbers)....21544, 23838, 27816
(b) table amended (OMB numbers); eff. 10-23-87....35719

50 CFR—Continued

52 FR Page

Chapter VI—Continued

- (b) table entries transferred to 204.1(b) table (OMB numbers)....36780
- 605 Added; interim eff. to 12-31-87....26686
- 611 Specifications....785, 3248, 37464, 41560
  - Specifications corrected....3916
  - Preliminary reassessment....29528
  - Temporary regulations and inseason adjustments....31032
  - Harvest quotas....31631
  - Annual harvest and processing reassessment....33593
  - Inseason adjustments...37463, 38428, 41303
  - Inseason adjustment corrected....39329
  - Temporary regulations...43199, 44597
  - Temporary regulations corrected....46484
- 611.22 (a), (b)(1), (c) and (d) revised....422
  - Technical correction....1917
- 611.60 (a)(3) effectiveness extended....36578
- 611.61 (b)(3) effectiveness extended; (b)(4) removed eff. 1-1-88....36578
- 611.81 Revised....5984
- 611.92 (c)(1) (i) and (ii), (2)(ii)(A) and (g) suspended; (c)(1) introductory text revised; (c)(1) (iii) and (iv), (2)(ii)(D) and (i) added; interim emergency eff. to 3-31-87....426
  - (c)(1)(i) and (ii), (2)(i)(C) and (ii)(A), and (g) revised....7872
  - Interim emergency effectiveness extended....10761
- 611.93 (b)(3)(ii)(A) suspension and (b)(3)(ii)(D) addition interim emergency effectiveness extended....2235
  - (b)(1)(iii), (c)(2)(ii)(E)(*2*)(*iv*), (F), and (G) and Figure 1 added....8598
  - (b)(1)(ii)(E) removed and Table 1 amended; (b)(1)(ii) introductory text and (A) and (iii) revised....45969
  - Effective date corrected....48362
- 621.3 Removed; new 621.3 redesignated from 621.4....10340
- 621.4 Redesignated as 621.3....10340

50 CFR—Continued

52 FR Page

Chapter VI—Continued

- 630 Effectiveness extended in part....36578
- 630.5 (b) and (c) effectiveness extended to 10-31-88....42295
- 630.7 (a) (5), (7), and (8) removed eff. 1-1-88....36578
- 630.21 Removed eff. 1-1-88....36578
- 630.23 Removed eff. 1-1-88....36578
- 638.2 Amended....36781
- 638.4 (a)(2) and (h) amended....36781
- 638.5 Introductory text amended....36781
- 638.6 (b)(2) amended....36781
- 638.22 (a)(2) and (c) amended....36781
- 640 Technical correction....23450
- 640.1 Amended....22659
- 640.2 Amended....22659
- 640.3 (a) amended; (c) revised....22659
- 640.4 Amended....22659
- 640.6 (g) and (h) amended; (i) revised....22659
- 640.7 Introductory text, (a) through (r) and (s) redesignated as (a) introductory text, (1) through (18) and (b); new (a) introductory text, (4), (6), (7), (10) and (11) and new (b) revised; new (a) (5), (15) and (18) amended; (a) (19, (20) and (21) added....22659
- 640.20 (d) amended....22659
- 640.21 (a) and (c) revised....22659
- 640.22 (b) revised....22659
- 640.23 (b)(1) amended....22659
- 641 Nomenclature change....5118
- 641.2 Amended....5118, 36781
  - Amended; eff. 10-23-87....35719
  - Corrected....37799, 39537
- 641.5 Heading revised; text added; eff. in part 10-23-87....35719
  - (h) introductory text corrected....37799
- 641.7 Introductory text designated as (a) and revised; (a) through (q) and (r) redesignated as (a) (1) through (17) and (b); new (a)(14) amended; (a)(18) added; eff. in part 10-23-87....35720
- 641.8 (d)(1) footnotes 1 and 2 amended....36781
- 641.22 Introductory text amended; Figure 2 redesignated as Figure 3....35720
- 641.24 (b)(4) revised....5118

50 CFR—Continued

52 FR Page

Chapter VI—Continued

(b)(4)(iv) amended; Figure 3 redesignated as Figure 4.............35720
642 Temporary regulations..........2113, 4019, 4627, 35720, 42296, 47724, 49162, 49415
642.2 Amended; interim emergency eff. to 3-31-87.....................289
Interim emergency effectiveness extended...........................10762
Amended.............. 23838, 36579, 46091
642.3 (c) amended......................... 23841
(b) revised....................................36579
642.4 (c) removed; (d) through (k) redesignated as (c) through (j); (a), (b), new (c), (e), (f), and (g) revised; new (k) added.................................. 23838
(a) (1), (2) and (3) amended; (d) revised... 46091
642.5 (a) introductory text and (1) revised................................ 23839
(a) introductory text, (b) introductory text, and (c) introductory text amended.............23841
642.6 (a) introductory text revised...23839
642.7 (a)(20) suspended; (a)(31) and (32) added; interim emergency eff. to 3-31-87.....................289
(a)(20) interim emergency suspension effectiveness extended; (a) (31), (32), and (33) added; interim emergency eff. to 6-29-87.................................10762
(a) (5), (6), (17) through (22), and (27) through (30) revised; (a)(31) added............................ 23839
(a) (3), (4), and (12) amended..... 23841
(a)(9) amended............................ 36579
642.20 Revised.............................. 23840
642.21 (d) and (e) suspended; (g) and (h) added; interim emergency eff. to 3-31-87.....................289
(d) and (e) interim emergency suspension effectiveness extended...10762
(g) and (h) removed; interim emergency eff. to 6-29-87........10763
(a)(3) amended; (a)(1)(iii) and (e) removed; (a)(1) introductory text, (i), and (ii), (2), (c) and (d) revised; (f) redesignated as (e) and revised................. 23840
Revised... 25013
(a)(1) (i) and (ii) corrected..........33594
(a)(1) (i) and (ii) amended.......... 36579

50 CFR—Continued

52 FR Page

Chapter VI—Continued

642.22 Revised.............................. 23840
642.23 (a) and (b) amended..........23841
(a)(2) revised.................................36579
642.24 Revised.............................. 23840
642.26 (a)(1) introductory text and (iii) and (2) amended........ 23841
(a)(1) introductory text and (ii), (b) (1) and (2), (c)(3)(i) (B) and (E) and (4) and Table 1 amended....................................36579
642.27 (b), (c), (f)(1)(ii), (2), and (3) revised................................. 23840
642.28 (g) through (j) added; interim emergency eff. to 3-31-87...290
(i) and (j) interim emergency addition effectiveness extended...10762
(g) and (h) revised; interim emergency eff. to 6-29-87........10763
Revised... 23841
(a) revised......................................25014
642.29 Revised.............................. 23841
642 Appendix A amended............ 23841
646.1 Amended............................... 9866
646.2 Amended..................... 9865, 9866
646.3 (c) amended.......................... 9866
646.5 (a), (e), and (f) amended...... 9866
646.6 (a) (17) and (18) amended; (a) (19), (20), and (21) added..... 9865
(a) (4), (5), (6), (7), (9), (16), and (18) amended...............................9866
646.21 (a), (b), and (c) amended...9866
646.22 (b) (4) and (5) amended......9866
646.24 Added...................................9866
649.2 Amended............................. 46091
649.4 (a) (1), (2) and (3) amended; (d) revised........................... 46091
649.7 (a) introductory text and (b)(2) amended; (a)(5) revised; (c) added..........................46091
649.20 (a) amended; (b) and (c) revised; (f) removed..................46091
649.21 (a)(1) revised; (a) introductory text, (b) introductory text and (4) (i), (ii), (iii), and (iv), and (c)(1) amended; (c) introductory text, (1), (2) and (3) and (d) redesignated as (c)(1) introductory text, (i), (ii), and (iii) and (d)(1); new (c)(1) introductory text amended; new (c)(2) and (d)(2) added.............................. 46091

50 CFR—Continued

52 FR Page

Chapter VI—Continued

649.22 (b)(1) amended.......46091
650 Temporary regulations.......44130
650.1 Amended.......1463
650.2 Amended.......1463
650.4 (d) revised.......46485
650.7 (a) revised.......1463
650.20 Revised.......1463
650.21 Revised.......1463
650.22 Revised.......1464
(b)(1) correctly designated.......39537
650.23 Added.......1464
651 Temporary regulations...17298, 22327
Revised (effective date pending in part).......35094
651.3 (c) corrected.......37159
651.4 (a)(1) corrected.......39537
651.6 (e) corrected.......39537
651.21 (a)(2) table corrected.......3250
(a)(3) introductory text and (4) corrected; (b)(2)(ii) correctly designated.......39537
651.23 (a)(1) table corrected.......37159
651.25 (a) and (b) corrected.......37159
652 Temporary regulations.......4019, 4020, 10763, 16274, 25014, 39921, 47008
1987 final quotas.......5461
Inseason adjustments.......19352, 32306, 49019
652.1 Existing text designated as (a) and amended; (b) added.......27816
652.2 Amended.......27816, 27817
652.4 (c) introductory text and (h) introductory text revised; (h)(2) redesignated as (h)(3); new (h)(2) added.......27816
(a)(1) (i) and (ii) amended.......27817
652.7 (a) introductory text and (f)(1) revised; (m) and (n) redesignated as (n) and (o); new (m) added.......27816
652.10 Amended.......27817
652.21 (a)(3), (b)(3), and (c) (2) and (3) revised.......27817
652.22 (a)(4) and (f)(1) revised; (f)(2) amended.......27817
653.1 Revised; eff. 10-16-87.......34921
653.2 Corrected.......1917
Amended; eff. 10-16-87.......34921
653.3 (b) revised; (d) added; eff. 10-16-87.......34922
653.4 (a) revised; eff. 10-16-87.......34922
653.5 (b)(1) introductory text corrected.......1917

50 CFR—Continued

52 FR Page

Chapter VI—Continued

(b) introductory text revised; eff. 10-16-87.......34922
653.7 (a) (1), (7), and (8) revised; (a) (15) and (16) amended; (a) (17) through (22) added; eff. 10-16-87.......34922
653.21 Revised; eff. 10-16-87.......34922
653.22 Revised; eff. 10-16-87.......34922
653.23 (a) and (b) corrected.......1917
Revised; eff. 10-16-87.......34922
(a) corrected.......36863
653.24 Revised; eff. 10-16-87.......34922
654.2 Amended.......36781, 36941
654.3 (b) amended.......36781
654.4 (b)(2) amended.......36781
654.6 (b) amended.......36782
654.20 (c) amended.......36782
654.22 (a)(2) and (b) amended.......36782
654.23 (a) amended.......36782
655 Specifications.......537, 30166, 45197
658.1 (c) amended; (d) added.......19148
658.2 Amended.......19148, 19149
658.5 (c) added; eff. from OMB approval to 8-14-87.......19148
Eff. 5-20-87 to 8-14-87.......21544
658.6 (a) and (b) amended.......19148
658.7 Introductory text and (a) through (l) redesignated as (a) introductory text and (1) through (12); new (a) introductory text revised; (m) removed; new (b) added; new (a) (1), (3), (4), (6), and (8) amended.......19148, 19149
658.9 Amended.......19149
658.21 (b) amended.......19148
658.22 Amended.......19148
658.23 Introductory text designated as (a); (a) and (b)(1)(i) introductory text, (A), and (B), (ii), and (iii) amended...19148, 19149
658.24 (a) and (b) amended.......19148
658.25 (a) amended and suspended; (c) added; eff. to 8-14-87.......19148
658.26 Amended.......19148
661 Fishery management measures.......17264
Temporary regulations.......18702, 19149, 24297, 27817, 28562, 28721, 29700, 32015, 32800, 35263

50 CFR—Continued

52 FR Page

Chapter VI—Continued

Fishery management measures correction and clarification.... 19353
Inseason adjustments................ 24296, 25605, 26013, 27004, 27560, 28268, 29019, 29529, 31033, 32135, 33244
Inseason adjustment corrected...29020
Inseason adjustments and temporary regulations....................29860
661.1 Revised................................. 49020
661.2 (e) added; eff. 10-14-87.......34808
(a) revised......................................49020
661.3 Amended; eff. 10-14-87......34808
Amended... 49020
661.5 (b)(10) revised; (b) (17) through (20) added; eff. 10-14-87... 34808
661.20 (a) introductory text revised...4148
661.21 (b) revised.............................4148
(a) amended................................... 49021
661 Appendix amended........ 4148-4149
Appendix II amended.................49021
662 Harvest quotas...................... 31631
663 Specifications.............................682
Restrictions.................................... 790, 11473, 15726, 27818, 37466, 38429
Temporary regulations..............41304, 42445, 45455
Inseason adjustments................. 31034
Annual harvest and processing reassessment.............................. 33593
663.21 (a)(2) removed; (a)(3) redesignated as (a)(2).................... 4911
663.23 (a) and (b) amended............4911
663.25 Added...................................4911
663.26 (c) revised; (g) redesignated as (h); new (g) added....... 4911
663.27 (b)(3) amended.................... 4911
671 Suspension interim emergency effectiveness extended to 4-29-87....................................1632
Removed...17579
672 Specifications................. 785, 41560
Specifications corrected.............. 3916
Temporary regulations................9495, 11991, 12183, 12916, 17404, 20720, 22327, 23552, 27202, 32137, 35424, 35721, 36039, 43199, 43917, 45342, 48691
Inseason adjustments................ 37463, 38428, 41303, 42114
Inseason adjustment corrected..39329

50 CFR—Continued

52 FR Page

Chapter VI—Continued

672.2 Amended; interim emergency eff. to 3-31-87.......................427
Amended... 7872
Amended; interim emergency eff. to 6-16-87...............................9172
Interim emergency effectiveness extended............................10761
672.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87.......................................427
(a) heading, (3) introductory text, (i), and (iv) revised............ 7873
(a)(5) added; interim emergency eff. to 6-16-87........................ 9172
Interim emergency effectiveness extended............................10761
(a) (1) and (2) revised................. 49022
672.7 (i) added; interim emergency eff. to 3-31-87.....................427
(h) redesignated as (i); new (h) added... 7873
Interim emergency effectiveness extended............................10761
672.20 Heading revised; (a), (b), (c), (d)(4) and (e) suspended; (d)(5), (f) through (j) added; interim emergency eff. to 3-31-87...427
(b) revised......................................2414
Technical correction..................... 3916
(c), (d), and (e) redesignated as (d), (e), and (f); heading, (a), (b), new (e)(4), and (f)(1) revised; new (d)(4) redesignated as (d)(5) and revised; new (c) and (d)(4) added; new (d) and (f) republished........................... 7873
Interim emergency effectiveness extended............................10761
672.22 Heading, (a), and (b) revised..7875
672.24 (c) added; interim emergency eff. to 3-31-87.....................430
(b) (1) and (2) revised; (b)(3) added... 2414
Technical correction...................... 3916
(b) revised; (c) added; eff. in part to 12-31-89.......................... 7876
(c) addition interim emergency effectiveness extended........... 10761
(b)(2) corrected; (b)(3) heading correctly added.......................... 12183
674 Temporary regulations........ 26014, 26482, 29020
Technical correction................... 30766

50 CFR—Continued

52 FR Page

Chapter VI—Continued

674.21 (a)(2) revised....23452

675 Specifications....785, 37464

Specifications corrected....3916

Temporary regulations....15949, 25232, 28722, 34656, 44597

Inseason adjustments....18367, 21958, 24297, 29021

Inseason adjustments corrected....19962, 33245

Temporary regulations and inseason adjustments....31032, 36270

Temporary regulations corrected....46484

675.2 Amended; interim emergency eff. to 3-31-87....430

Amendment interim emergency effectiveness extended....2235

Amended; eff. in part to 12-31-88....8600

Amendment interim emergency effectiveness extended....10761

Amended....11993

675.5 (a)(3) suspended; (a)(4) added; interim emergency eff. to 3-31-87....430

(a)(3) introductory text, (i) and (iv) revised....8600

Interim emergency effectiveness extended....10761

(a) (1) and (2) revised....49022

675.7 Introductory text revised; (g) redesignated as (j); new (g), (h), and (i) added; eff. in part to 12-31-88....8600

675.20 (a)(7) revision and (a)(8) through (11) addition interim emergency effectiveness extended....2235

(b)(1)(ii) redesignated as (b)(1)(iii); new (b)(1)(ii), (e), (f), and (g) added; (c)(1) revised....8600

(a)(7) revised; (a) (8) through (10) added....11993

(e)(3) introductory text corrected....13375

(b) heading and (c)(1) revised; (b)(3) added; eff. in part to 12-31-89....45969

Effective date corrected....48362

675.21 Revised; eff. to 12-31-88....8601

675.22 Revised; eff. to 12-31-88....8604

681 Heading revised....47574

681.1 (b) amended....9497

50 CFR—Continued

52 FR Page

Chapter VI—Continued

Revised....47574

681.2 Amended....9497, 47575

681.4 (a) (1) and (k) amended; (b)(2) (ix) through (xiv) revised; (b)(2) (xv) through (xxi) added....47575

681.5 (d)(1) amended....9497

(a) introductory text, (1), (2), and (4), (b) introductory text, and (c) introductory text amended; (b)(1) (iv), (v), and (d) removed; (b)(1) introductory text added and (b)(1) (i), (ii), and (iii), and (2) revised....47575

681.7 (b)(1) revised; (a)(12) amended....9497

(a) (1), (7), and (12), (b)(1)(i), (2), (3), and (4), and (c)(1) introductory text, (2), (3) and (4) amended....47575

681.10 (b) amended....47575

681.20 Amended....9497

Nomenclature changes....47575

681.21 Revised....47575

681.22 Nomenclature change....47575

681.23 Revised....9497

(b) amended....47575

681.24 (a) and (b) amended; (c) and (d) added....47575

681.25 Nomenclature changes....47575

681.26 (a) amended....47575

681.27 (a), (b), and (d) introductory text amended....47575

681.28 (a) introductory text amended....47575

681.30 Nomenclature changes....47575

681.32 Nomenclature change....47575

681.34 Nomenclature change....47575

681.35 Nomenclature change....47575

683.24 (a) introductory text revised; (d) (1) and (2) redesignated as (d) (2) and (3); new (d)(1) added....38103

685 Added....5987

685.2 Corrected....32015

685.6 (d) (1), (2), (3) and (4) corrected....12641

1988

50 CFR

53 FR Page

Chapter VI

601.37 (Subpart D) Added....39304

602.2 (b) amended....24645

50 CFR—Continued

Chapter VI—Continued	53 FR Page
602.12 (c)(1) amended	24645
602.13 (d)(2) amended	24645
602.10—602.17 (Subpart B) Appendix A amended	24645
611 Specifications	741, 890, 894, 31009
Specifications corrected	2147
Eligibility criteria	29337
Temporary regulations	31872, 32051
Harvest quotas	32394
Inseason adjustments	52714
611.1 (a) revised	13412
611.2 Amended	13412, 24646
611.3 (a)(1) revised	13412
(e)(2) amended	24653
611.4 (a), (c) (1), (2), (3), (7), (8) and (9), and (f)(1) amended	24653
611.7 (a) (8), (9), and (23) and (b)(2) amended	24653
611.8 (a) and (b) introductory text and (1) amended	24653
611.9 (a)(2), (c) introductory text, (d)(1), and (h) amended	24653
611.10 (e) amended	24653
611.12 (c) (1), (2), and (3) amended	24653
611.15 (a) and (b) amended	24653
611.1—611.16 (Subpart A) Appendix C amended	24647
Appendixes B, C, F, I, J, and K amended	24653
611.20 (c) amended	24651
611.22 (a), (b)(1), (c) and (d) revised	138
Technical correction	3401
(f)(2) amended	24653
611.50 (a) Figure 1 map revised	24652
(a) amended	24653
(b)(4)(ii) amended	39477
Technical correction	43319
611.60 (a) (1) and (2), (c)(2), and (d) amended	24653
611.61 (a) amended	24653
611.62 (a) amended	24653
611.70 (a) and (j)(4)(iv) amended	24653
611.80 (a) amended	24653
611.82 (a), (b)(1) introductory text, (f), and (h)(2) amended	24653
611.90 (a), (d), and (f) (1) and (2) amended	24653
611.92 (b), (c)(1) heading and (i) revised	7759

50 CFR—Continued

Chapter VI—Continued	53 FR Page
(c)(2)(ii)(A) amended	7762
(a) amended	24653
619.3 Amended	24653
619.4 (a)(1) and (b) amended	24653
620 Added	24653
620.8 (d) (1), (2), and (3) corrected	27798
621.1 (a), (b), and (c) amended	24655
621.2 (a) introductory text and (4), (b), and (c) amended	24655
621.3 Revised	24655
625 Added	39477
Technical correction	43319
630.1 (b) amended	24660
630.2 Amended	24655, 27694
630.3 Revised	24655
630.4 (a) amended	24660
630.5 Heading revised	24656
630.6 (a) introductory text amended	24660
(a) revised	27694
630.7 (a) introductory text, (5), (7) through (11), and (13) through (17) and (b) removed; (a)(1) through (4), (6), and (12) redesignated as (a) through (f) and amended; introductory text added	24656
(f) redesignated as (h); new (f) and (g) added	27694
630.8 Revised	24656
630.9 Revised	24656
630.21 (a) (3), (4), and (5) amended	24660
Amendments at 53 FR 24660 removed	27693
638.1 (b) amended	24660
638.2 Amended	24655, 24660, 38294
638.3 (a) revised; (c) removed	24655
(b) amended	24660
638.4 (h) removed	24656
638.5 Introductory text revised; (d) and (f) through (l) removed; (e) redesignated as (d); (a) through (d) amended	24656
Technical correction	27798
638.6 Revised	24656
638.7 Revised	24656
Redesignated as 638.8; new 638.7 added	24656
Amended	38294
638.8 Redesignated from 638.7	24656
640.2 Amended	17196, 24655, 38294

50 CFR—Continued

53 FR Page

Chapter VI—Continued

Corrected............ 39581

640.3 (b) and (c) removed; (a) redesignated as (b); new (a) added............ 24655

640.7 (a) (20) and (21) amended; (a) (22), (23), and (24) added... 17196

Heading revised; (a) introductory text, (2), (13) through (18), and (21) and (b) removed; (a)(1), (3) through (12), (19), (22), (23), (24), and (20) redesignated as (a) through (p); new (a) through (n) and (p) amended; introductory text added............ 24656

640.8 Revised............ 24656

640.9 Revised............ 24656

640.20 Revised............ 17196

640.21 (c) revised............ 17196

640.22 (b) revised............ 17197

641.2 Amended............ 24655, 38294

641.3 Revised............ 24655

641.5 Heading revised............ 24656

(a), (b) introductory text, (c) introductory text, (d) introductory text, (g) introductory text and (5), (h) introductory text and (i) amended............ 38294

641.7 (a) introductory text and (11) through (17) and (b) removed; (a)(1) through (10) and (18) redesignated as (a) through (k); new (a) through (j) amended; introductory text added............ 24656

641.8 Revised............ 24656

641.9 Revised............ 24656

641.23 (b)(3) redesignated as (b)(2) and revised............ 30847

642 Temporary regulations............ 3401, 39097, 40231, 47718, 49325, 51280

642.2 Amended............ 24655, 38294

Technical correction............ 27693

642.3 (a) revised; (b) removed; (c) redesignated as (b)............ 24655

642.5 Heading revised............ 24656

(a) introductory text and (3), (b) introductory text, (c) introductory text, and (e) amended............ 38294

50 CFR—Continued

53 FR Page

Chapter VI—Continued

642.7 (a) introductory text, (1), (7) through (12), and (24) and (b) removed; (a)(2) through (6), (13) through (22), (25) through (31) and (23) redesignated as (a) through (w); new (a) through (u) and (w) amended; introductory text added............ 24656

642.8 Revised............ 24656

642.9 Revised............ 24656

642.21 (a)(1) introductory text, (i) and (ii) and (2), (b) (1) and (2), (c) (1) and (2), and (d) (1) and (2) amended............ 25613

(a)(2) amended; interim emergency eff. to 2-1-89............ 45098

642.28 (a) (2) and (3) revised; (a)(4)(iii) removed; (a)(5) added............ 25614

644 Added; eff. in part 10-28-88 and 12-27-88............ 37769

644.7 (e) amended; eff. to 12-26-88............ 45099

644.24 (c) added; eff. to 12-26-88............ 45099

645.1 (b) amended............ 24660

645.2 Amended............ 24655, 24660

645.3 Revised............ 24655

645.5 Heading revised............ 24656

645.6 (c) (2) and (3) amended............ 24660

645.7 Introductory text revised; (b) and (i) through (o) removed; (c) through (h) redesignated as (b) through (g); (a) through (g) amended............ 24656

645.8 Revised............ 24656

645.9 Revised............ 24656

645.22 (a) introductory text amended............ 24660

646.2 Amended............ 24655, 38294

646.3 (a) revised; (b) removed; (c) redesignated as (b)............ 24655

646.6 (a) introductory text and (10) through (16) and (b) removed; (a) (1) through (9) and (17) through (21) redesignated as (a) through (n); new (a) through (m) amended; introductory text added............ 24656

646.7 Revised............ 24656

646.8 Revised............ 24656

649.2 Amended............ 24655

50 CFR—Continued

53 FR Page

Chapter VI—Continued

649.3 Existing text amended and designated as (b); (a) added........24655
Revised........24655
649.5 Heading revised........24656
649.7 (a) introductory text and (b) introductory text revised; (b)(1), (6) through (9), (11), (12), and (13) removed; (b)(2), (3), (5), and (10) redesignated as (b)(1), (2), (3), and (5); (a)(1) through (7) and new (b)(1) through (5) amended........24656
649.8 Revised........24656
649.9 Revised........24656
649.22 (a)(2) amended........24657
650.2 Amended........23636, 24655
650.3 Revised........24655
650.5 Heading revised........24656
650.7 (m) amended........23636
Introductory text revised; (e), (g) through (j), (l), (m), and (n) removed; (d), (f), and (k) redesignated as (e), (d), and (f); new (a) through (f) amended........24657
650.8 Revised........24656
650.9 Revised........24656
650.20 (a) amended; (c) added........23636
650.24 Added........23636
651.2 Amended........24655
651.3 Heading revised; (b) removed; (a) redesignated as (b); new (a) added........24655
651.5 Heading revised........24656
651.7 (a) introductory text revised; (b)(6), (7), (11) through (14), (16), and (17) and (c) removed; (b)(8), (9), (18), (10), and (15) redesignated as (b)(6)through (10); (a)(1) and (b)(1) through (6), (9), and (10) amended........24657
651.8 Revised........24656
651.9 Revised........24656
651.20 (b)(1) suspended; (a)(3), (b)(4), and Figure 5 added; interim emergency eff. to 3-31-88........5774
652 Harvest quotas........8632
Temporary regulations........20854, 36462, 50970
652.2 Amended........24655
652.3 Revised........24655
652.5 Heading revised........24656

50 CFR—Continued

53 FR Page

Chapter VI—Continued

652.7 (d), (f), and (o) removed; (e), (g), (h) introductory text, and (i) through (n) redesignated as (d) through (l); (a) introductory text, (b), (c), new (d), (e), (f) introductory text, (g), (h), (i), (k), and (l) amended; introductory text and new (m) added........24657
652.8 Revised........24656
652.9 Revised........24656
652.23 (b)(2)(i) revised........4630
653.2 Amended........24655, 24664, 38294
653.3 (a) revised; (b) removed; (c) and (d) redesignated as (b) and (c)........24655
(c) revised........24664
653.4 Text removed........24664
653.5 Heading revised........24656
(a), (b), (c) (4) and (5), (d), (f), and (g) removed; (c) and (e) redesignated as (a) and (b); new (a)(2) amended; new (a)(3) revised........24664
(a) introductory text amended........38294
653.7 (a) (8), (17) through (19), (21) and (22) suspended; (c) added; interim emergency eff. to 3-30-88........246
(a) (8), (17) through (19), (21) and (22) suspension and (c) addition interim emergency effectiveness extended to 6-28-88........7368
(c) redesignated as (o); eff. to 6-28-88........24657
(a) introductory text, (6), (9) through (14) and (16) and (b) removed; (a)(20), (1) through (5), (7), (8), (17), (18), (19), (21), (22), and (15) redesignated as (a) through (n); new (a) through (l) and (n) amended; introductory text added........24657
(b), (c), (d), and (h) through (m) removed; (e), (f), (g), and (n) redesignated as (b) through (e); (a), new (b), and (c) amended; new (d) revised........24664
653.8 Revised........24656
653.9 Revised........24656
653.20 Revised........24664

50 CFR—Continued

53 FR Page

Chapter VI—Continued

653.21 Suspended; interim emergency eff. to 3-30-88..... 246
Suspension interim emergency effectiveness extended to 6-28-88..... 7368
Revised..... 24664
653.22 (b), (d) and (e) suspended; (f) added; interim emergency eff. to 3-30-88..... 246
(b), (d) and (e) suspension and (f) addition interim emergency effectiveness extended to 6-28-88..... 7368
(a) revised; (b), (d), and (e) removed; (c) redesignated as (b)..... 24664
653.23 Suspended; interim emergency eff. to 3-30-88..... 246
Suspension interim emergency effectiveness extended to 6-28-88..... 7368
Text removed..... 24664
653.24 (a)(4) and (b) (2), (3), and (4) revised; (b)(1) amended..... 24664
(a) introductory text and (b) amended..... 38294
653 Appendix removed..... 24664
654.2 Amended..... 24655, 38294
654.3 (a) and (b) redesignated as (b) and (c); new (a) added; new (c) amended..... 24655
654.4 (b) (1), (2) and (3) and (c) (1) and (2) introductory text amended..... 24657
654.6 (a) introductory text and (1) through (7) and (b) removed; (a)(8) through (24) redesignated as (a) through (q); new (a) through (p) amended; introductory text added..... 24657
654.7 Revised..... 24656
654.8 Revised..... 24656
654.20 (a), (c), and (d) amended..... 24657
654.22 (a) introductory text, (2), and (4) amended..... 24657
654.23 (a), (b)(1)(i) and (ii), and (3) amended..... 24657
654.24 (a) introductory text, (1), (2), (3), and (8)(i)(B) and (b) amended..... 24657
655 Specifications..... 6991, 43718
Specifications corrected..... 45854
655.1 (a) amended..... 24660
655.2 Amended..... 24655, 24660
655.3 Revised..... 24657

50 CFR—Continued

53 FR Page

Chapter VI—Continued

655.5 Heading revised..... 24656
655.7 Heading revised; (a) introductory text, (2), (3), (4), (6), (7), (9), and (13) removed; (a)(1), (10), (11), (12), (14), and (15) and (b) and (a)(5) and (8) redesignated as (a) through (i); (a) through (e), (g), and (i) amended; introductory text added..... 24657
Technical correction..... 27708
655.8 Revised..... 24656
655.9 Revised..... 24656
655.23 (a) amended..... 24660
657 Added..... 4983
657.2 Amended..... 24655
657.3 Heading and (a) revised..... 24655
657.4 (a) introductory text, (3), (4), (6) through (9), and (11) and (b) removed; (a)(1), (2), (5), and (10) redesignated as (a) through (d) and amended; introductory text added..... 24658
657.5 Revised..... 24656
657.6 Revised..... 24656
658 Fishery management plan..... 49992
658.2 Amended..... 24655, 38294
658.3 (a) revised; (c) removed..... 24655
658.5 (c) added; interim emergency eff. to 7-31-88..... 22000
Heading revised..... 24656
(a) introductory text and (4) and (b) introductory text amended..... 38294
658.7 (a) introductory text, (1), (4), (6) through (10), and (12) and (b) removed; (a)(2), (3), (5), and (11) redesignated as (a) through (d) and amended; introductory text added..... 24658
658.8 Revised..... 24656
658.9 Revised..... 24656
658.22 Existing text redesignated as (a); new (b) added; emergency eff. to 2-2-89..... 45271
Figure 1 revised..... 45273
(b) corrected..... 46745
658.25 (a) suspended; (c) added; eff. to 7-31-88..... 18841
661 Temporary regulations..... 16415, 22000, 22655, 29338, 29479, 31344, 31872, 32233, 34543, 34760, 35316
Inseason adjustments..... 20119,

50 CFR—Continued 53 FR Page

Chapter VI—Continued

26599, 28228, 30286, 31343, 35513
Technical correction.................. 27798
Temporary regulations and inseason adjustments.................. 28227
Plan amendments........................ 30285
661.1 Amended.............................. 24658
661.2 Redesignated as 661.3; new 661.2 redesignated from 661.3 and amended.................. 24658
661.3 Amended; interim emergency eff. to 7-29-88.................16012
Technical correction....... 19368, 24295
Redesignated as 661.2 and amended; new 661.3 redesignated from 661.2...................... 24658
(a) through (e) redesignated as (b) through (f); new (a) added; new (e) amended.......... 24658
Amended.. 24655
661.4 Heading revised...................24656
661.5 Heading revised; (b) introductory text and (9) through (13) removed; (a) redesignated as (b) and amended; (b)(1) through (8), (15), (18), (20), (14), (16), (17), and (19) redesignated as (a)(1) through (11), (15), (13), and (14), and (12); new (a) introductory text added.................................24658
661.6 Revised................................. 24656
661.7 Revised................................. 24656
661 Appendix amended; interim emergency eff. to 7-29-88........16012
Technical correction....... 19368, 24295
Appendix II amendment interim emergency effectiveness extended to 10-27-88................29235
662 Harvest quotas....................... 32394
662.2 Amended.................. 24655, 24660
662.3 Revised................................. 24658
662.5 (c) removed.......................... 24658
662.6 Introductory text and (c) through (i) removed; (a)(3) and (b) amended; new introductory text added.................. 24658
662.7 Revised................................. 24656
662.8 Revised................................. 24656
663 Specifications................. 246, 31009
Restrictions....................................... 248, 29480, 36793, 39606
Plan amendments........................ 20634
Eligibility criteria........................ 29337
Temporary regulations............... 32621
663.1 (a) amended.......................... 24660

50 CFR—Continued 53 FR Page

Chapter VI—Continued

663.2 Amended............................. 22002, 24655, 24660
663.3 (a) and (b) redesignated as (b) and (c); new (a) added........ 24655
663.4 Heading revised...................24656
Amended.. 24658
Existing text designated as (a); (b) added.................................... 47957
663.7 (b) revised; (o) amended; (p) and (q) added...................... 22002
Heading revised; introductory text, (a) through (e), (g), (k), and (q) removed; (h), (i), (j), (l), (m), (f), (n), (o), and (p) redesignated as (a) through (e), (i), (f), (g), and (h); new (a) through (i) amended; new introductory text added.......... 24658
(q) amended; (r) added................47957
663.8 Revised................................. 24656
663.9 Revised................................. 24656
669.1 (a) and (b) amended............24658
669.2 Amended.............................. 24655
669.3 Revised................................. 24655
669.4 Amended..............................24660
669.5 Heading revised..................24656
669.6 (a) and (e) (2) and (3) amended.......................................24660
669.7 (a) introductory text, (12) through (15), and (17) through (20) and (b) removed; (a)(1) through (11) and (16) redesignated as (a) through (l) and amended; introductory text added..............24658
669.8 Revised................................. 24656
669.9 Revised................................. 24656
669.21 Amended............................ 24660
669.23 (a), (b), and (d) amended...24660
669.24 (b) (1) and (2) amended....24660
672 Specifications.............................. 890
Temporary regulations.............. 16129, 19921, 22327, 23402, 24295, 25491, 26441, 31010, 32051, 36462
Inseason adjustments..... 23401, 52714
672.2 Amended; interim emergency eff. to 6-7-88.....................7940
Corrected.. 9773
Amended; interim emergency eff. to 9-5-88..............................21650
Amended....................................... 24655, 24660, 44011
672.3 (a) revised...............................7759

50 CFR—Continued

53 FR Page

Chapter VI—Continued

(b) and (c) removed; (a) redesignated as (b) and heading removed; new (a) added....24658
672.5 Technical correction.... 991
(a)(3)(iv) introductory text revised; (a)(3)(iv) (E) and (F) redesignated as (a)(3)(iv) (F) and (G); new (a)(3)(iv) (E) and (H) and (v) added.... 7760
Heading revised....24656
(b)(3)(v) amended.... 44012
672.6 Added....11298
672.7 Introductory text revised; (b) through (f) and (i) removed; (g) and (h) redesignated as (b) and (c); (a), new (b), and (c) amended.... 24658
672.8 Revised.... 24656
672.9 Revised.... 24656
672.20 (a)(2)(i) redesignated as (a)(2)(ii); (a)(2) introductory text, (c)(1), (d)(2) and (5)(i) and (e)(1) revised; new (a)(2)(i) added; (f)(2)(i) amended....7760
(a)(2)(ii) introductory text, (A), (b)(1), (c)(2) (i), (ii), and (iii) (A) and (B) amended....7762
672.22 (a)(1)(iii), (2)(i)(B) and (iii) and (3)(vi) amended....7762
672.23 (b) revised....44012
672.24 (b) (1) and (2) revised.... 6650
(b) (1), (2), and (3) (i) and (ii) amended....7762
674 Temporary regulations.... 26779, 28403, 31010, 34303, 35317, 36289
Inseason adjustments.... 35080
674.1 (a) and (b) amended....24659
674.2 Amended.... 24655, 24660
674.3 Revised.... 24659
674.5 Heading revised....24656
Amended.... 24660
674.7 Introductory text revised; (c) through (i) removed; (a) introductory text and (b) amended....24659
674.8 Revised.... 24656
674.9 Revised.... 24656
674.21 (a)(2) revised....25493
674.23 (a)(1) and (b)(2) (ii) and (iii) amended.... 24660
675 Specifications.... 894
Specifications corrected.... 2147
Temporary regulations....4178, 7941, 19303, 21454, 22328, 25493, 37581, 39479, 39744, 47544, 49994

Inseason adjustments.... 12772, 16552, 18841, 23402, 26599, 28229, 33140, 35081, 38725, 39097, 40894, 47545, 49552
Inseason adjustments corrected....39718
Technical correction.... 27798
675.1 (a)(2) amended.... 24659
675.2 Amended.... 24655, 24660
675.3 Revised.... 24659
675.5 Technical correction.... 991
(a)(3)(iv) introductory text revised; (a)(3)(iv) (E) and (F) redesignated as (a)(3)(iv) (F) and (G); new (a)(3)(iv) (E) and (H) and (v) added.... 7761
Heading revised....24656
675.7 Revised.... 24659
675.8 Revised.... 24656
675.9 Revised.... 24656
676.2 Amended.... 24655
676.3 (a) and (b) redesignated as (b) and (c); new (a) added.... 24655
676.5 Heading revised; introductory text and (c) through (i) removed; (a) and (b) amended; new introductory text added.... 24659
676.6 Revised.... 24656
676.7 Revised.... 24656
680.1 (a) and (b) amended....24660
(b) revised....27521
680.2 Amended.... 24655
Amended.... 27521, 27523
680.3 Existing text amended and designated as (b); (a) added.... 24655
680.4 (k) amended....27523
680.5 (a)(3) removed; (a)(4) redesignated as (a)(3).... 27523
680.7 (a) introductory text revised; (a)(6) through (13) removed; (a) (1), (2)(iv), (4), and (5) amended....24659
680.8 Revised.... 24656
680.9 Revised.... 24656
680.10 Added....27521
680.21 (c)(3) amended.... 24659
(a) Table 1 amended.... 27523
680.25 (a) and (b) amended....24660
681.1 (b) amended.... 24659
(a) amended.... 24660

50 CFR—Continued

53 FR Page

Chapter VI—Continued

681.2 Amended.......... 24655

681.3 Heading revised; existing text designated as (b); (a) added.......... 24655

681.4 (b)(2)(xxi) revised.......... 52999

681.5 (a) (3), (4) and (5) amended; (b)(2)(x), (4) and (5) and (c)(4) (iii) and (iv) removed; (b)(2) (viii) and (ix), (c) introductory text, (3), (4) introductory text, (i) and (ii) revised.......... 52999

681.7 (a) introductory text revised; (a) (4) and (7) through (13) removed; (a)(5) and (6) redesignated as (a)(4) and (5); (a), (b)(2) through (5), and (c)(2) and (3) amended.......... 24659

681.8 Revised.......... 24656

681.9 Revised.......... 24656

681.24 (c) introductory text and (1) revised; (c)(3) added.......... 52999

683.1 (a) amended.......... 24660

683.2 Amended.......... 24655, 24660, 29908

683.3 Heading revised; existing text designated as (b); (a) added.......... 24655

683.4 Heading revised.......... 24656

683.5 (a) (1) through (5) amended.......... 24660

(a)(2) (i) and (ii) added.......... 29908

683.6 Heading and introductory text revised; (a) through (e), (g), and (h) removed; (f), (i), (j), and (k) redesignated as (d), (b), (a), and (c); new (b) and (d) amended.......... 24659

(k), (l), (m), and (n) added.......... 29909

683.7 Revised.......... 24656

683.8 Revised.......... 24656

683.10 Added.......... 29909

683.11 Added.......... 29909

683.21 (a) and (f) revised.......... 29909

683.25 Redesignated as 683.26; new 683.25 added.......... 29909

683.26 Redesignated from 683.25.......... 29909

683.27 Added.......... 29911

683.28 Heading added.......... 29911

685.2 Amended.......... 24655

685.3 Heading revised; existing test designated as (b); (a) added.......... 24655

685.4 Heading revised.......... 24656

50 CFR—Continued

53 FR Page

Chapter VI—Continued

685.5 (a) introductory text, (1) through (5), (7), and (8) and (b) removed; (a)(6), (9), and (10) redesignated as (c), (a), and (b); new (a) and (c) amended; introductory text added.......... 24659

685.6 Revised.......... 24656

685.7 Revised.......... 24656

1989

50 CFR

54 FR Page

Chapter VI

600 Added.......... 1704

601 Revised.......... 1706

602 Revised.......... 30833

602.11 (c)(9)(ii) corrected.......... 31640

602.13 (d)(1)(v) and (2) corrected.......... 31640

602.14 (b)(1) corrected.......... 31529

602.17 (b)(2)(v) and (c) corrected.......... 31640

602.10—602.17 (Subpart B) Appendix A corrected.......... 31529

604 Added.......... 1710

605 Added.......... 1712

611 Specifications.......... 32, 3605, 32819, 43821

Restrictions.......... 299

Specifications corrected.......... 2039

Catch monitoring.......... 3039

Specifications, inseason adjustments, etc.......... 6524

Regulation at 54 FR 32819; eff. 9-15-89.......... 37109

Temporary regulations.......... 37110

611.1—611.16 (Subpart A) Appendix A amended.......... 47681

Appendix A corrected.......... 50306

611.1 (c) revised; interim.......... 21925

611.3 (a)(3) revised; interim.......... 21925

611.7 (a) (25) through (27) redesignated as (a) (26) and (28); new (a)(25) added.......... 16371

611.8 (d) through (j) redesignated as (e) through (k); new (d) added; new (f), (h)(1), (2)(ii), and (k)(1)(i) amended.......... 16371

611.22 (b)(1), (c) and (d) revised.......... 6933

611.70 (d)(1) introductory text and (3)(i) revised.......... 18904

50 CFR—Continued

54 FR Page

Chapter VI—Continued

611.92 (c)(1)(iii) added; interim emergency; eff. to 6-26-89.......13194
(c)(1)(iii) effective date extended to 9-23-89.......27384
(c)(2)(i) introductory text revised.......50394
611.93 (c)(2)(ii) (F) and (G) suspended; (H) and (I) added; emergency interim; eff. to 6-13-89.......11380
Corrected.......12989
(b)(1)(iii) suspended; (b)(1)(iv) added temporary; interim emergency; eff. to 6-26-89.......13194
(b)(1)(ii) Table 1 amended; (b)(3)(ii)(A) revised; (b)(3)(ii)(D) added.......18523
(c)(2)(ii) amended eff. to 9-11-89.......25280
(b)(1)(iii) and (iv) effective date extended to 9-23-89.......27384
(b)(5) added; eff. to 12-31-90.......32648
(b)(3)(i) introductory text revised; (c)(2) through (4) redesignated as (c)(3) through (5); new (c)(2) added.......50394
620.3 (d) revised.......50394
642 Temporary regulations.......153, 306, 14360, 43970, 53322
Technical correction.......1471
642.1 (b) revised.......29563
642.2 Amended.......29564
642.4 (a) (1), (2), and (3), (b)(3), and (c) amended.......29564
642.5 (a) introductory text, (b) introductory text, (c) introductory text and (e) revised; (a)(2) amended.......29564
642.6 (a) revised.......29564
642.7 (x) added; interim emergency; eff. to 5-30-89.......13691
(k), (m), (n) and (v) amended; (g), (j), (q) and (r) revised; (x) added.......29564
642.21 (c)(3) added.......29565
(a)(1) introductory text, (i), (ii), (2), (b) (1), (2), (c) (1), (2), (d) (1), and (2) amended.......30554
(c)(2) and (d)(2) amended.......38528
642.22 Heading and (b) revised; (a) amended.......29565
642.23 (a) (1) and (2) amended; (c) revised.......29565
642.24 (e) added; interim emergency; eff. to 5-30-89.......13691

50 CFR—Continued

54 FR Page

Chapter VI—Continued

(a) (1) and (2) amended; (a)(3) added; (d) revised.......29565
642.28 (a) introductory text amended.......29565
644.7 (g) effective date deferred pending OMB approval.......821
644.24 (b) effective date deferred pending OMB approval.......821
646 Technical correction.......5938
646.1 (b) revised.......1722
646.2 Amended.......1722
646.4 Amended.......1722
646.6 (b) and (k) amended; (h) and (i) revised; (o) and (p) added.......1722
(n) removed; (o) and (p) redesignated as (n) and (o); (l) and (m) revised.......8343
646.22 Text revised.......1722
646.24 (a)(1) and (b) revised; (a)(20), (21), and (c) added.......8343
649.2 Amended.......48618
649.20 (b) table revised.......48618
649.21 (c) introductory text added; (c)(1) introductory text and (2) revised.......48618
(c)(3) added (effective date pending).......48618
650 Entry control date.......16123
651 Figures 1 and 4 revised.......4802
651.2 Amended.......52804
651.7 (b)(11) added.......4800
651.20 (a) (1), (2), (b)(1), (c)(2), (d)(1) introductory text, and (2), (f) introductory text, and (3) revised; eff. in part 1-1-90.......4800
Amended; Appendix A added.......41975
651.21 (a) heading and (1) table amended.......4801
(b)(2)(i) suspended; (b)(4) added; eff. to 4-1-89.......10011
651.22 (a)(1) table amended; (c) and (e)(2) revised.......4801
651.23 (a) revised.......4802
651.26 Added.......52804
652 Temporary regulations.......47682, 49298
1989 annual quotas.......6415
Inseason adjustments.......8751
Area opening.......30749
652.23 (a)(4) added; eff. through 11-9-89.......33701

50 CFR—Continued

54 FR Page

Chapter VI—Continued

(a)(4) effective date extended to 2-7-90....47365

654.23 (b) heading added; (b)(1) revised; eff. 10-1-89....38235

Figure 3 revised; eff. 10-1-89....38236

655 Specifications....2134, 7777, 10549, 52035

Specifications corrected....18114

658.5 (c) added (temporary)....16125

658.22 Existing text designated as (a); new (b) added; eff. to 11-3-89....16125

(b) revised; Figure 1 suspended; Figure 2 added eff. to 11-3-89....36036

(b) Figure 2 corrected as Figure 1a; interim....39187

658.23 (b) heading added; (b)(1) revised; eff. 10-1-89....38235

Figure 4 removed; new Figure 3 added; eff. 10-1-89....38236

658.25 (a) amended; Figure 3 redesignated as Figure 4....38238

661 Fishery management plan....19798, 25462

Temporary regulations....19904, 25586, 25876, 30390, 41591, 41952

Fishery management plan corrected....24175, 24288, 28818

Inseason adjustments....24906, 31196, 31841, 37110, 41592

661.2 (d) amended....19191

Amended....20603

661.4 (a) amended; (b) redesignated as (c); new (b) added (effective date pending)....19191

(b) amended (OMB number)....29731

661.5 (a)(8) revised....19191

661.20 (a) introductory text amended; (a)(1)(iii) and (5) added (effective date pending)....19191

(a)(1)(iii) amended (OMB number)....29731

661.21 (a) (1), (2), and (3) amended....19192

661.22 (a) amended....19192

661.23 (a) through (c) revised; (d) removed; (e) and (f) redesignated as (d) and (e)....19192

661 Appendix amended....19192

Appendix amended (OMB number)....29731

662 Harvest quotas....41976

50 CFR—Continued

54 FR Page

Chapter VI—Continued

662.20 (b)(1) suspended; (b)(3) added; interim through 12-23-89....40113

Corrected....41976

Regulation at 54 FR 40113 effective date extended to 3-23-90....52398

663 Specifications....32

Specifications corrected....2039

Restrictions....299, 18658, 30046, 31688, 41594

Restrictions; eff. 10-11-89....40113

Temporary regulations...47773, 51886

663.2 Amended....20603

663.7 Introductory text revised; (r) removed; (j) and (k) added....18904

669.7 (c) amended; (m) added; interim; eff. to 2-28-90....50625

669.21 Existing text designated as (a); (b) added; interim; eff. to 2-28-90....50625

672 Clarification....986

Specifications, inseason adjustments, etc....6524

Temporary regulations....12204, 12638, 15411, 16126, 18526, 19375, 23662, 24712, 25464, 25717, 26380, 28423, 28681, 30224, 33556, 37110, 40394, 41101, 41977, 47212

Specifications....32819

Mortality formula revision....33701

Inseason adjustment at 54 FR 32819; eff. 9-15-89....37109

672.1 (a) revised....18524

672.2 Amended; interim emergency; eff. to 6-26-89....13194

Amended....18524, 50395

Effective date extended to 9-23-89....27384

672.3 (b) revised....50397

672.5 (a)(3) (ii) and (iii) removed; (a)(3) (iv) and (v) redesignated as (a)(3) (ii) and (iii); (a)(3) introductory text, (i), and new (ii) revised....18524

(b) and (c) redesignated as (d) and (e); (a) and new (d) heading revised; new (b) and (c) added....50397

672.7 (d) added....50401

672.20 (a)(2) and (f)(1) revised....50401

(f)(2) temporarily suspended; (f)(3) added; eff. to 12-31-90...50401

50 CFR—Continued

54 FR
Page

Chapter VI—Continued
672.23 Revised.............................. 50401
672.24 (c) revised; eff. to 12-31-92.............................. 50401
672.27 Revised.............................. 50404
674 Temporary regulations... 30225, 33904
674.21 (a)(2) revised.............................. 28425
675 Clarification.............................. 986
  Catch monitoring.............................. 3039
  Specifications.............................. 3605
  Prohibition on receipt......... 3609, 9216
  Temporary regulations.............. 6134, 6934, 7933, 30390, 31842, 37114, 39741, 41101, 43823, 49298, 53323
  Table 2 added; eff. to 12-31-90... 32651
  Figure 2 revised; eff. to 12-31-90.............................. 32651
  Inseason adjustments.............. 37112 38686, 41977, 46619, 47683, 51200, 51886
  Prohibition on receipt rescinded.............................. 46268, 53323
  Prohibition of receipt.............................. 47684
675.1 (a) revised.............................. 18524
675.2 Amended; interim emergency; eff. to 6-26-89.............................. 13194
  Amended.............................. 18524, 50404
  Effective date extended to 9-23-89.............................. 27384
  Amended; eff. to 12-31-90.......... 32649
  Corrected.............................. 37469
675.3 (b) revised.............................. 50404
675.5 (a)(3) (ii) and (iii) removed; (a)(3) (iv) and (v) redesignated as (a)(3) (ii) and (iii); (a)(3) introductory text, (i), and new (a)(3)(ii) revised... 18525
  (b) redesignated as (d); (a) and (d) heading revised; new (b) and (c) added.............................. 50408
675.7 (c) revised; emergency interim; eff. to 6-13-89.............................. 11380
  Corrected.............................. 12989
  (c) amended.............................. 25280
  (c) revised; (d) added; eff. to 12-31-90.............................. 32649
  (e) added.............................. 50408
675.20 (b)(3) suspended; emergency interim; eff. to 4-15-89.............................. 417

50 CFR—Continued

54 FR
Page

Chapter VI—Continued
  (a) heading and (1) Table 1 amended; (a) (6) through (10) redesignated as (a) (7) through (10) and (12); new (a)(6), (a)(11) and (b)(1)(iv) added; new (a)(10), new (12), and (b)(2) revised.............................. 18525
  (e)(1)(iii) and (2)(ii) amended; (e)(4) revised; eff. to 12-31-90.............................. 32649
  (a)(2) revised.............................. 50408
675.21 Added; eff. to 12-31-90..... 32649
  (b)(1) corrected.............................. 37469
675.22 Added.............................. 11380
  Corrected; eff. 3-15 to 6-13-89... 12989
  Amended; eff. to 9-11-89............ 25280
  Added; eff. to 12-31-90.............. 32651
  (f) added.............................. 50408
675.23 Added; emergency interim eff. to 4-15-89.............................. 417
  Added.............................. 50408
675.24 Added.............................. 50408
675.25 Added.............................. 50408
676 Removed.............................. 37943
683.6 (k) through (n) at 53 FR 29909 correctly redesignated as (e) through (h).............................. 6531

1990

(Regulations published from January 1, 1990 through October 1, 1990)

50 CFR

55 FR
Page

Chapter VI
603 Revised.............................. 31602
611 Inseason adjustments........... 19738
  Specifications.............................. 1036, 3223
  Corrected.............................. 14286
  Eff. to 1-1-91.............................. 1434
  Reapportionment.............................. 31187
  Temporary regulations.............. 3229, 22795, 26693
611.2 Amended.............................. 293
611.3 (c) revised.............................. 293
611.4 (c) (6), (7), and (8) revised.............................. 294
611.7 (a)(9) revised.............................. 294
611.10 (b) and (d) revised.............................. 294
611.1—611.16 (Subpart A) Appendix A corrected.............................. 1591
611.22 (b)(1), (c), and (d) revised.............................. 11383
611.92 (c)(3) added; interim; eff. to 5-16-90.............................. 6399

50 CFR—Continued

Chapter VI—Continued

	55 FR Page
(j) added	9890
(c)(3) removed	19266
611.93 (c)(6) added; interim; eff. to 5-16-90	6399
(b)(1)(iii) Table 1 amended	8143
(b)(1)(iii) revised; (j) added	9890
(c)(6) removed	19266
620.7 (i) added; interim; eff. to 8-23-90	22337
(i) added; interim; effective extended to 11-21-90	35436
628 Added	18733
630.1 (b) revised	35645
630.2 Amended	35645
630.4 (e) removed; (f) through (l) redesignated as (e) through (k); new (i) amended; (a) through (d) and new (k) revised	35646
630.5 (a) and (b) removed; (c) redesignated as (a); new (a) introductory text revised; (b) added	35646
640.2 Amended	26448
640.4 Revised	26449
Effective date corrected	28631
640.7 (i) and (j) revised; (q) through (u) added	26449
640.21 (c)(1) and (3) revised; (d) added	26449
640.22 (a) revised	26450
641 Temporary regulations	8144
641.1 (b) revised	2086
641.2 Amended	2086
641.4 Revised	2087
641.5 (b) introductory text and (2), (c) introductory text, (f), (g) introductory text, and (i) revised; (b)(1) and (3) through (6), (c)(1) through (5), (d) introductory text, (g)(1) through (4), and (h) introductory text amended; (b)(7) and (8) removed; (g)(6) added	2088
641.6 Revised	2089
641.7 (a) and (b) redesignated as (t) and (u); new (t) amended; eff. to 4-23-90	2089
(c) through (k) removed; (a) through (s) added	2089
(b), (e), (p), (r) and (s) eff. 4-23-90	2089
(v) added; eff. to 5-31-90	8144
(t) added; eff. to 8-29-90	23086
(t) added	25311

50 CFR—Continued

Chapter VI—Continued

	55 FR Page
641.21 Revised	2090
(a)(4) suspended; eff. to 5-31-90	8144
(a)(4) suspended; eff. to 8-29-90	23086
(a)(4) removed; (a)(5) through (7) redesignated as (a)(4) through (6)	25311
641.22 Revised	2090
641.23 Revised	2090
641.24 Amended	2090
Revised; eff. 4-23-90	2090
(b)(3) revised; (b)(5) added; eff. to 5-31-90	8144
(b)(3) revised; (b)(5) added; eff. to 8-29-90	23086
(b)(3) revised; (b)(5) added	25311
641.25 Revised	2091
(d) added; eff. to 5-31-90	8144
(d) added; eff. to 8-29-90	23087
(d) added	25311
641.26 Redesignated as 641.28; new 641.26 added	2091
641.27 Added	2091
641.28 Redesignated from 641.26	2091
641.29 Added; eff. to 4-22-90	8144
641 Appendix A Added	2091
642 Temporary regulations	1213 21201
Technical correction	32257
642.1 (b) revised	29373
642.2 Amended	29373, 2937
642.4 (a)(4) added; (b)(1), (c), and (d) revised	29373
642.5 (f) added	29373
642.7 (x) revised	1483
(i), (k), (m), and (l) amended; (p), (s), and (x) removed; (b), (d), (e), (j), (n), (q), (t), and (u) revised	2937
642.20 Revised	2937
642.21 (a)(3) and (c)(3) revised	2937
(a)(2), (b)(2), (c)(2), and (d)(2) amended	3118
642.23 Revised	2937
642.24 (a)(3) revised	1483
Revised	2937
642.26 (a)(1)(iii) amended	2937
642.27 (d) revised; (f)(4) added	1483
(e) amended; (a) and (c) revised	2937
642.28 Revised	2937
(a)(1)(iii)(B) and (3)(ii) revised; (a)(1)(iii)(C) added	3118

50 CFR—Continued

55 FR Page

Chapter VI—Continued

(a)(1)(iii)(A) and (iv)(A) revised; eff. 1-1-91....................31189

642 Appendix A amended............29377

646 Temporary regulations.........32635

646.2 Amended; eff. to 11-1-90... 32259

646.6 (p) added (temporary)........18894

Regulation at 55 FR 18894 effective date extended to 10-29-90..28916

(q) through (s) added; eff. to 11-1-90.......................................32259

646.20 (c) added (temporary)...... 18894

Regulation at 55 FR 18894 effective date extended to 10-29-90..28916

646.25 Added; eff. to 11-1-90.......32259

650 Temporary regulations...4614, 18604, 20274

650.2 Amended................................. 435

650.7 (b) through (f) redesignated as (d) through (h); new (b) and (c) added................................435

(b) corrected.................................... 2201

(i) added; interim; eff. to 8-23-90..22337

(i) added; interim; effective date extended to 11-21-90.......35436

650.21 Heading revised; (c) through (e) added.........................435

650.25 Added.......................................435

651 Temporary regulations.........12363

652 Temporary regulations...........1213

Fishing quotas................................5462

Revised.. 24190

652.20 (g) eff. to 12-31-90............ 24184

652.23 (a)(4) added; interim; eff. to 8-23-90...................................22337

(a)(4) added; interim; effective date extended to 11-21-90.......35436

655 Specifications........................... 9324

656 Added...7901

Removed...9452

658 Temporary regulations...20162, 28402

658.22 Existing text designated as (a); (b) added; eff. to 9-30-90...13794

Figure 1 revised.............................13795

658.26 Revised................................ 18121

659 Added; eff. to 7-2-90..............13154

Removed..22795

661 Temporary regulations........20607, 22032, 23087, 23443, 24247, 25311, 31391, 34019, 36824, 37714

Inseason adjustments................ 21039,

50 CFR—Continued

55 FR Page

Chapter VI—Continued

32259, 32916, 33714, 36280, 38552, 39156, 39416

Fishery management measures.. 18894

Inseason adjustment...38552, 39156, 39416

661.20 Specifications.................... 14837

662 Harvest quotas........................ 35647

663 Restrictions ...3747, 11021, 25977, 31053

Specifications..................... 1036, 14837

Reapportionment......................... 31187

663.7 Introductory text revised; (l) and (m) added............................ 31

672 Temporary regulations..........3230, 3409, 7902, 14978, 17442, 18605, 22795, 22796, 22917, 22918, 23746, 26693, 27643, 29023, 30235, 31603, 32260, 32261, 33912, 34263, 36651

Corrected....................................... 14286

Technical correction................... 12990

Inseason adjustments................. 19738

672.2 Corrected............................... 1036

Amended.............................. 4846, 9891

Amended; interim; eff. to 11-10-90... 33720

672.5 (c)(2)(i) and (iii)(B) corrected; (c)(2)(ii) added............... 1036

(c)(3) removed.............................. 34934

672.6 Suspended; eff. to 9-28-90..12833

672.20 (c)(2) redesignated as (c)(3); new (c)(2) added..................32

(f)(1), (3)(ii), and (3)(iii) suspended; (f)(4) and (5) added; eff. to 5-15-90..............................5997

(i) added; interim; eff. to 5-16-90..6399

(c)(2) revised; (c)(3) through (c)(6), (g) and (h) added............9891

(i) removed...................................19267

Effective date extended to 8-13-90.. 20466

(f)(1)(ii) and (3)(ii) suspended; (f)(1)(iii) and (3)(iv) added; interim; eff. to 11-10-90..........33720

672.22 (a)(2)(i)(B) and (ii)(C) amended; (a)(2)(i)(C) and (ii)(D) added....................................33

672.23 Revised...................................... 33

672.24 (a) revised.................................33

50 CFR—Continued

55 FR Page

Chapter VI—Continued

Heading revised; (b) and (c) redesignated as (c) and (d); new (b) added; interim; eff. to 11-10-90.......33721

672.27 Revised.......4846

674 Temporary regulations.......30717, 33721, 35436

674.21 (a)(2) revised.......29217

675 Temporary regulations.......3229, 7337, 7716, 8145, 8954, 10246, 10780, 22919, 26208, 26450, 27643, 27823, 30004, 31392, 32094, 32421, 35437, 36652, 38331-38333

Specifications; eff. to 1-1-91.......1434

Catch monitoring.......14094

675.2 Amended.......4847, 8143, 9892

Amended; interim; eff. to 11-10-90.......33721

50 CFR—Continued

55 FR Page

Chapter VI—Continued

675.5 (c)(3) removed.......34934

675.7 (e) correctly designated.......1036

675.20 (e)(2)(ii) and (3)(iii) amended; (e)(2)(iii) and (3)(iv) added.......33

(j) added; interim; eff. to 5-16-90.......6399

(a)(1) Table 1 revised.......8143

(a)(8) revised; (h) and (i) added.......9892

(j) removed.......19267

675.21 (c)(2) suspended; (c)(5) added; interim; eff. to 11-10-90.......33721

675.23 Revised.......33

675.24 (d) and (e) added.......33

675.25 Revised.......4848

○